

TOWN OF WARWICK PLANNING BOARD

February 7, 2011

Members present: Chairman, Benjamin Astorino
Russell Kowal, Dennis McConnell
Roger Showalter, Beau Kennedy
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 7, 2011 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.

Mr. Astorino: This meeting tonight results from the cancelation of the 2/2/11 and the 1/19/11 Planning Board meetings due to the bad weather that we have been having.

PUBLIC HEARING OF Fairwick, LLC.

Application for Site Plan Approval and Special Use Permit for the construction and use of commercial/retail facilities totaling 19,786 square feet in three buildings, entitled "*Fairgrounds #2*", situated on tax parcel S 51 B 1 L 40.1; project located on the northern side of NYS Route 94 approximately 1,000 feet east of Orange County Route 21, in the DS/OI zones, of the Town of Warwick, County of Orange, State of New York. Continued Public Hearing from the December 15, 2010 Planning Board Meeting.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Adrian Goddard, Applicant.

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 (12/09/10)
 - a. Night sky lighting advisory comment.
6. Checklist (J): Has current project been coordinated with emergency services (fire, ambulance & police)? Letters dated 11/17/10; response from police dated 11/23/10 (no concerns).
7. Checklist (L) 9: Are all easements, deed restrictions, and covenants shown on the plans? (pending attorney review).
8. Recommendations from the ARB for the architectural plans of Buildings 2 and 3 have been given to the PB; Building 1 (Chase Bank) is still pending.
9. There is at least 1 entrance with lower than required lighting levels (Bldg 1 front).

10. According to §164-43.4.G, lighting levels around an ATM must be in accordance with NYS ATM Safety Act. The lighting levels around the proposed ATM must be modified to reflect the appropriate levels.
11. At least 2 light poles are located within a sidewalk (bldg 2 ADA ramp and bldg 3 front sidewalk); the lights should be moved. In numerous other locations, light poles are located in the same place as shade trees. Please coordinate the lighting and landscaping plans.
12. Will lights be controlled by a photocell? It has been noted that the entire site's lighting will be reduced by 20% overnight. How will this be accomplished? Turning off 20% of the lights? Which ones? Including HID dimming ballasts? Provide nighttime lighting levels to show security lighting levels.
13. Checklist (L) 41: Is the PB requiring estimates of noise generation at this project site? Applicant submitted noise levels in EAF (not expected to be significantly higher than ambient levels).
14. The language on Sheet 1 (on the site plan itself) states that the Marginal Access is to be dedicated... the language should be changed to the satisfaction of the planning board attorney.
15. Architectural drawings for Bldg 3 indicate columns along the front of the building. These should be shown on the site plans, as they appear to be located within the handicap ramp access.
16. Building 2 architectural floor plans do not match site plans. Building 3 floor plans show two rear doors. Verify all doors have sidewalk access.
17. Provide a Ramp D for ramps where flared sides are not required (see note above, detail should not have flared sides). Any Ramp A with no perpendicular sidewalk should be a Ramp D. Ramp A in front of Bldg 2 is required to have a flared side slope of 1:12 (not 1:10 as the Ramp A in front of Bldg 1), see ADA regulations for ramp details. Ramp B to Price Chopper should be a Ramp C.
18. A detail for the banking drive-thru should be included in the plan set, showing aisle widths, curbing, islands, etc.
19. A complete signage and striping plan (with appropriate details, i.e., Do Not Enter, One Way, etc.) should be submitted for the project site. Details have been added; overall plan needs to be shown.
20. The estimated water supply and wastewater flows for Fairgrounds #2 have been submitted, but this needs to be compared with the overall design capacity of both systems, including information for usage (if known) and design flow rates for Fairgrounds #1. The design flow rates calculated for the previous car dealership should also be provided for completeness. (Pending HDR review.)
21. The Applicant's wetland specialist should prepare a letter to the Planning Board stating that a wetland delineation was completed, including the date of delineation, who did the delineation, and appropriate data sheets.
22. As a conditional of final site plan approval for Fairgrounds #2, a three-ring binder with all color, texture, roofing samples, etc. shall be submitted and retained with the Building Department after final approval is granted.
23. Surveyor to certify that iron rods have been set at all property corners.
 - a. Completed during Fairgrounds #1 (Price Chopper).
24. Payment of all fees.
25. If the proposed uses for the remaining buildings are not known at the time of site plan approval for Fairgrounds #2, then the Applicant will have to make an application for an amended site plan approval if the proposed use requires substantially changes to the approved building. All other buildings, either previously approved or still conceptual must be shown. Prior to each approval the Applicant shall demonstrate that the parking

space requirements, stormwater (in accordance with the Town Code requirements and including permeable pavers), water, and sewage needs have been provided.

The following comment submitted by the Conservation Board, dated 2/7/11:

Fairwick, LLC. / Fairgrounds #2 – The CB has no comments.

The following comment submitted by the ARB, dated 2/7/11:

Fairwick, LLC. / Fairgrounds #2 – The Architectural Review Board is in receipt of the elevations, and color conceptuials for the proposed AutoZone Building on Fairgrounds Site 1 and the proposed Buildings #2 (9000 Sq. Ft. Commercial Structure) and Building #3 (6000 sq. ft. Commercial Structure) for Fairgrounds Site 2.

We have circulated and reviewed them. We have the following background commentary and recommendations. Please remember that the Planning Board and Town Board have asked us to review the submitted architectural design and evaluate it against the Architectural Design Standards adopted by the Town Board. And, while we agree that three of the buildings are what we and the Planning Board have worked with the applicant's architect to achieve, it does not exempt the applicant from compiling the required book of specifications and samples to be submitted for approval by both the ARB and the Planning Board.

This is a transitional site, and many aspects of the actual site have led to modifications of the site plan and buildings proposed for it. Certain exceptions from the Design Standards have been made to accommodate the placement of the buildings on the site without compromising the environmentally sensitive nature of the site.

The proposed AutoZone building will make an exception in having a service entrance which will open to the larger parking lot between it and the Price Chopper building. This is a direct exception to the Design Standards, but one that all agree must be accommodated since there would not be adequate room for service trucks to approach the back of the building. To that end, the service entrance has been designed to compliment and maintain the integrity of the overall design, camouflage the activity, while opening to the public realm. Further, the parking area will be in front of the building instead of to the rear. However, the current physical nature of the site which places a very large berm between the AutoZone and the entrance road effectively shields the parking area in a way more in keeping with the standards and zoning than having it exposed to Route 94.

The ARB and Planning Board have agreed with the current design which does not have windows on the rear elevation of the building, but does include elements which present a visually interesting facade to the road with illusion of entranceways and forms that do speak to the agricultural heritage of the neighborhood.

To complete the final application in keeping with the design standards, the applicant needs to provide the spec book of samples of colors and finishes, designated on the design, along with working drawings to the ARB and Planning Board to sign and submit to the Building Department in anticipation of requesting a building permit.

The items missing from the spec sheet submitted are 1) gutters and leader colors and 2) glazing colors. A formalized sign plan for the building is needed in keeping with the Town's Zoning Code and Design Guidelines. Those should be submitted as part of the spec book.

The new submittal of the Kawneer Metallic Brick is in keeping with comments provided to the applicant on 1/10/2011.

The 9,020 sf. Commercial structure.

The applicant has successfully made the design of this building visually approachable from all sides with physical access from the front facing the entrance road and from the rear parking lot. Again, an exception has been made, in agreement with the applicant, the ARB and the Planning Board to allow the two side elevations to not have doors or window. Instead a visually interesting facade with the illusion to entryways has been created. All entrances will be from the front or rear sides of the building. Parking will be in the rear – and landscaping plans already provided to the Planning Board should indicate provisions for screening of the parking from Homarc, the Bowling Alley and Route 94. Plans should also indicate pedestrian paths from the Price Chopper parking lot to the building – and the materials to be used should be noted on the site plan.

To complete this application the applicant should also provide the required spec book with physical samples keyed to the elevations, including gutters, leaders, glazing, shingle and fabric awning samples. Proposed signage schematic/plan should also be provided.

6,000 sq ft. Commercial Building

The proposed 6,000 sq. ft Commercial Structure, Building #3, will not be in conformity with the Design Standards since it will only have entrance from the front side of the building. It is effectively to tight to the back of the building envelope to have rear parking or a entrances on the rear. This will afford some services behind the building. The building will also be able to benefit from parking behind the 9,000 sq. ft. building #2 as well as from the Price Chopper parking lot.

Again, the applicant needs to complete the spec book of materials and finishes required under the Design Standards. It need all samples, including leaders, gutters, glazing and shakes, as well as a signage schematic/plan in addition to the material discussed on the spec sheet.

We would urge the applicant to move this last element forward while completing the design of the Chase Bank building.

Chase Bank Building – iteration #3

We met on 1/25 with the applicant's architect for this building to review proposals to move this design forward. The ARB believes that we do not want another "barn type" building on the site. We actually need a building that can create a segue to other buildings in the CB zone. The applicant has submitted a new set of suggested changes that still somewhat miss the mark for tying a different style into the site and into the existing area.

John Starks has found an example of an existing Chase building which, like the proposal to emulate a more historic bank structure such as the building Chase already occupies, says traditional, bank/finance. The difference is the level of detailing which can distinguish the building from any typical strip development bank. Even in examining other local banks of a more traditional style, it is the detailing which will ultimately reinforce the architectural integrity of the design and ties it to the greater community.

The ARB would like to see another round of drawings and will make ourselves available to the applicant and his architect for review.

Mr. Astorino: I believe that none of these HDR comments has changed. Laura, is that correct?

Laura Barca: Correct. Some of the comments have been updated. None of the comments has really changed.

Mr. Astorino: Ok. I know that we are still working on the Chase building. I believe that the other two buildings are pretty much locked down. The applicant is working on the Chase building with the ARB.

Laura Barca: We had received comments from the ARB. They say that although the Architect had submitted whatever the samples were, the ARB would like the Building Department to have to make their life a little easier and not to confuse things, if the samples could be broken down for building #2 and building #3 so that nothing gets lost.

Adrian Goddard: No problem.

Mr. Astorino: I believe there are discussions still ongoing with the ARB regarding the Chase building.

Adrian Goddard: I am surprised by that. I thought the ARB would love it the way it is.

Mr. Astorino: We are still in the process with working through some odds and ends with the ARB on the Chase building. Once they get that together, they will get back to us on that. Laura, the other issue that is out there is the issue with the sewage infiltration.

Laura Barca: Right. Are you currently working on the septic tank?

Dave Getz: Yes. There is a tank that has ground water infiltration. That is being repaired.

Mr. Astorino: As far as the calculations for these 3 buildings as far as additional sewage, that would require another DEC permit pertaining to the gallons per day.

Dave Getz: Yes.

Mr. Astorino: Are you working on that now?

Dave Getz: Yes.

Mr. Bollenbach: When do you expect to have that?

Adrian Goddard: It will be done anytime soon. There is a study being done now. It will be submitted. It was designed originally to do this.

Mr. Bollenbach: That would also go to OCHD for the additional water.

Dave Getz: Yes. We have submitted plans to OCHD. There are no new tanks needed or anything larger there. There is just some additional equipment to monitor the chlorination level. We had submitted to the OCHD back in December. We have some comments from them that are very minor. We had passed those comments down to Laura.

Laura Barca: Right.

Dave Getz: We are in the process of addressing those OCHD comments.

Mr. Astorino: Ok.

Mr. McConnell: Have you had ex filtration of effluent?

Dave Getz: No. It is not a tank. It has open piping.

Mr. Astorino: Ok. We will list comments 1 through 25 for the record. Do any Board members or Professionals have any comments or concerns?

Laura Barca: Ben, regarding Comment #21, I have heard anything about that in awhile. Comment #21 states, "*The Applicant's wetland specialist should prepare a letter to the Planning Board stating that a wetland delineation was completed, including the date of delineation, who did the delineation, and appropriate data sheets?*"

Dave Getz: I know that Dave Griggs was aware of that.

Laura Barca: Ok.

Mr. Astorino: That shouldn't be too hard to come across.

Laura Barca: Right. I just haven't heard anything about that in awhile.

Dave Getz: I will check on that.

Laura Barca: Ok.

Mr. Bollenbach: Laura, I have a question. Regarding the different bonds, fees, and traffic mitigation, were you going to take a look at that?

Laura Barca: Right. I have taking a look, but haven't figured out what the actual numbers would be yet.

Adrian Goddard: It might have been calculated based upon the subdivision.

Laura Barca: I think there was a number for the project. I think you paid a portion for the Fairgrounds #1.

Adrian Goddard: Whatever it is, we will take care of it.

Laura Barca: Ok.

Comment #1: Planning Board to discuss SEQRA.

Comment #2: Applicant to discuss project.

Comment #3: Conservation Board comments (pending)

Comment #4: Architectural Review Board comments (pending)

Comment #5: OC Planning Department (12/09/10)

a. Night sky lighting advisory comment.

Comment #6: Checklist (J): Has current project been coordinated with emergency services (fire, ambulance & police)? Letters dated 11/17/10; response from police dated 11/23/10 (no concerns).

Comment #7: Checklist (L) 9: Are all easements, deed restrictions, and covenants shown on the plans? (pending attorney review).

Comment #8: Recommendations from the ARB for the architectural plans of Buildings 2 and 3 have been given to the PB; Building 1 (Chase Bank) is still pending.

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Comment #12: Will lights be controlled by a photocell? It has been noted that the entire site's lighting will be reduced by 20% overnight. How will this be accomplished? Turning off 20% of the lights? Which ones? Including HID dimming ballasts? Provide nighttime lighting levels to show security lighting levels.

Comment #13: Checklist (L) 41: Is the PB requiring estimates of noise generation at this project site? Applicant submitted noise levels in EAF (not expected to be significantly higher than ambient levels).

Comment #14: The language on Sheet 1 (on the site plan itself) states that the Marginal Access is to be dedicated... the language should be changed to the satisfaction of the planning board attorney.

Comment #15: Architectural drawings for Bldg 3 indicate columns along the front of the building. These should be shown on the site plans, as they appear to be located within the handicap ramp access.

Comment #16: Building 2 architectural floor plans do not match site plans. Building 3 floor plans show two rear doors. Verify all doors have sidewalk access.

Comment #17: Provide a Ramp D for ramps where flared sides are not required (see note above, detail should not have flared sides). Any Ramp A with no perpendicular sidewalk should be a Ramp D. Ramp A in front of Bldg 2 is required to have a flared side slope of 1:12 (not 1:10 as the Ramp A in front of Bldg 1), see ADA regulations for ramp details. Ramp B to Price Chopper should be a Ramp C.

Comment #18: A detail for the banking drive-thru should be included in the plan set, showing aisle widths, curbing, islands, etc.

Comment #19: A complete signage and striping plan (with appropriate details, i.e., Do Not Enter, One Way, etc.) should be submitted for the project site. Details have been added; overall plan needs to be shown.

Comment #20: The estimated water supply and wastewater flows for Fairgrounds #2 have been submitted, but this needs to be compared with the overall design capacity of both systems, including information for usage (if known) and design flow rates for

Fairgrounds #1. The design flow rates calculated for the previous car dealership should also be provided for completeness. (Pending HDR review.)

Comment #21: The Applicant's wetland specialist should prepare a letter to the Planning Board stating that a wetland delineation was completed, including the date of delineation, who did the delineation, and appropriate data sheets.

Comment #22: As a conditional of final site plan approval for Fairgrounds #2, a three-ring binder with all color, texture, roofing samples, etc. shall be submitted and retained with the Building Department after final approval is granted.

Comment #23: Surveyor to certify that iron rods have been set at all property corners.

b. Completed during Fairgrounds #1 (Price Chopper).

Comment #24: Payment of all fees.

Comment #25: If the proposed uses for the remaining buildings are not known at the time of site plan approval for Fairgrounds #2, then the Applicant will have to make an application for an amended site plan approval if the proposed use requires substantially changes to the approved building. All other buildings, either previously approved or still conceptual must be shown. Prior to each approval the Applicant shall demonstrate that the parking space requirements, stormwater (in accordance with the Town Code requirements and including permeable pavers), water, and sewage needs have been provided.

Mr. Astorino: Does the Board or Professionals have any other comments or concerns? This is a public hearing. If there is anyone in the audience wishing to address the Fairwick/Fairgrounds #2 project, please rise and state your name for the record. Let the record show no public comment. Ted, Laura, or John, do we need to keep the public hearing open?

Laura Barca: I don't think so since there were no public comments.

Mr. Astorino: We understand there are some issues that need to be addressed before we make a decision on this application.

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

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

Mr. Astorino: Basically gentlemen, I know we are working with the ARB. Let us continue with that. We will put this on the 3/7/11 Work Session.

Adrian Goddard: Do we have comments from the ARB?

Mr. Astorino: We do have some ARB comment that was just submitted to the Board this evening. Penny, do you have members from your Board that are in an ongoing dialogue?

Penny Steyer: There is one member that is having ongoing dialogue.

Mr. Astorino: Ok. Is the ARB meeting tomorrow?

Penny Steyer: Only unless there is something new.

Mr. Astorino: Do you still have the renderings that we received last week?

Mr. Astorino: Ok. Please get the ARB comments into Connie. We will then give them to Adrian ASAP.

Penny Steyer: Ok.

Laura Barca: You could have my copy.

Adrian Goddard: Thank you.

Mr. Astorino: Let us know about that infiltration tank on what you are going to do to repair that and regarding the permits.

Dave Getz: The contractor has proposed something. We are waiting for that.

Mr. Bollenbach: Laura, have you seen any information on that regarding what work will be performed and how it will be done?

Laura Barca: I have not. I don't know if that would be my jurisdiction or the Town Engineer's jurisdiction.

Mr. Bollenbach: Maybe you could touch base with Ed on that and get some information.

Laura Barca: Ok.

Mr. Astorino: Get us the information that we need. We will place your application on the 3/7/11 Work Session.

Adrian Goddard: Ok. Thank you.

PUBLIC HEARING OF Gary and Katherine Randall Subdivision #4

Application for Final Approval of a proposed 3-Lot subdivision, situated on tax parcel S 19 B 1 L 47.2; parcel located on the western side of State Highway 94 whereas driveway is 500 feet north of Minturn Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York.

Connie Sardo: Mr. Chairman, we have just received the certified mailings for the Randall Subdivision #4 public hearing.

Mr. Astorino: Thank you.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Gary and Katherine Randall, applicants.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments (11/29/10): No comments at this time.
4. Architectural Review Board comments: pending
5. Building Department – no existing violations (11/12/10)
6. OCPD: 12/15/10 – local determination with two advisory comments: (1) extend conservation easement onto Lot 3 east of the driveway and (2) who will hold the easement?
7. NYSDOT: letter/plan was sent in December 2010 (Final Checklist E is incomplete at this time); pending NYSDOT site inspection.
8. Sketch Plan Checklist I.11: wetlands, flood plains, bodies of water in the immediate area of the lot line change. If there are none, a note should be added to the plan. Sheet 1, Note 14 should be revised to state that, "... located more than 100-ft from the proposed construction areas."
9. Sketch Plan Checklist I.19: sight distances are not shown at Route 94? Site distances are shown; NYSDOT will conduct site inspection to confirm site distances.
10. A detail for the turnout should be included in the plan set. The detail must include a foundation base similar to the driveway (6-in) to provide support for vehicles when using the pull off. Also, the dimensions of the pull-off should be revised to 10-ft wide and 50-ft long with tapers of 25-ft to accommodate emergency vehicles.
11. The fall zone for the tallest part of the cell tower should be added to the plan set. The fall zone should also be placed on Sheet 1.
12. Additional details of the existing wireless facility and turnaround areas should be added to the plans.
13. The approximate location of the utility lines for the WTF should be shown on the plan. The recently submitted Special Use application shows the utility lines to the cell tower in a different location.
14. A detail for the swale should be provided demonstrating that the surface water flow to the swale is being properly managed. Provide calculations to show that non-erosive surfaces are being proposed in accordance with NYSDEC. The detail on Sheet 3 appears to show that the swale is vegetated; a planting schedule (type, number, and size) should be added to this detail.

15. The Applicant should complete a line-of-sight drawing, as well as a Visual Addendum to the EAF.
 - a. Submitted 01/12/11
16. Final Checklist G: Copies of the letters sent to police, ambulance, fire, and school must be submitted.
17. Final Checklist I: 9-1-1 address information is pending 9-1-1 coordinator.
18. Final Checklist L.7: Certification by a licensed land surveyor of metes and bounds has not been submitted. All existing and proposed easements must be shown.
19. Final Checklist L.8: Is there a conservation easement proposed? Who will be the owner of this easement?
20. A note should be added to the drawings clarifying where the 100-ft radius fall zone is with relationship to Lot 3; this note will serve as a notice to the owner/residents of Lot 3 not to erect any structures, etc. within this area.
21. Shared driveway notes, as well as private road maintenance notes must be added to the plan.
22. This subdivision is a conservation density subdivision and must comply with §164-41.2 (**Attachment 1**).
23. What mechanism does the cell tower and its co-locators have for means of access to the site once this subdivision takes place?
24. Surveyor to certify that iron rods have been set at all property corners.
25. Payment of Recreational fees.
26. Payment of all fees.

The following comment submitted by the Conservation Board, dated 2/7/11:

Gary and Katherine Randall Subdivision #4 - The CB has a few questions concerning the plans. There is an indication of proposed open space. Will there be an easement/deed restriction? Will this be contiguous with the open space of the adjacent West Ridge property? The proposed driveway appears to be quite steep. The CB would like to see plans to mitigate water run off, soil erosion, and extensive regrading. This property is situated on a ridgeline. The CB would like assurances that the plans will be in keeping with the Town Code, most importantly as related to clearing of trees and vegetation. The CB was pleased with the proposed Eljen septic system.

The following comment submitted by the ARB, dated 2/7/11:

Gary and Katherine Randall Subdivision #4 – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has already declared itself Lead Agency on the application. We have been using the short EAF to review the project. We do have some comments because this project is located in the Ridgeline Overlay District. We have asked the applicant to provide a line-of-sight profile and a Visual EAF Addendum. They have done that. We do have the information in the file. I have reviewed that. At this point, there are one or two other comments listed in our review comments tonight.

Comment #2: Applicant to discuss project.

Dave Getz: The applicants own about 57 acres. The parcel is located on the western side of Minturn Road. There are two residences located on the property now. We were previously before the Planning Board about 1-1/2 years ago for site plan approval of a guesthouse. The guesthouse is under construction. The proposal is to complete a 3-lot subdivision. It would allow one new building lot with one new single-family house located on the property in the general area of where the existing cell tower is located. It is also a Conservation Density subdivision.

Comment #3: Conservation Board comments (11/29/10): No comments at this time.

Mr. Astorino: We have a Conservation Board comment dated 2/7/11. *“The CB has a few questions concerning the plans. There is an indication of proposed open space. Will there be an easement/deed restriction? Will this be contiguous with the open space of the adjacent West Ridge property? The proposed driveway appears to be quite steep. The CB would like to see plans to mitigate water runoff, soil erosion, and extensive regrading. This property is situated on a ridgeline. The CB would like assurances that the plans will be in keeping with the Town Code, most importantly as related to clearing of trees and vegetation. The CB was pleased with the proposed Eljen septic system.”*

Mr. Fink: There are notes on the plan regarding the Ridgeline Overlay District.

Mr. Bollenbach: I think they will primarily be using the existing driveway.

Dave Getz: Right. We will be providing some pull off areas.

Comment #4: Architectural Review Board comments: pending.

Comment #5: Building Department – no existing violations (11/12/10).

Comment #6: OCPD: 12/15/10 – local determination with two advisory comments: (1) extend conservation easement onto Lot 3 east of the driveway and (2) who will hold the easement?

Mr. Astorino: That is yet to be determined.

Dave Getz: Yes. At this point, there will be deed restrictions in place. At this point, it would stay with the property owners.

Mr. Bollenbach: That is what it would be. There would be deed restrictions with the right of enforcement with the property owners and the Town.

Comment #7: NYSDOT: letter/plan was sent in December 2010 (Final Checklist E is incomplete at this time); pending NYSDOT site inspection.

Laura Barca: The NYSDOT has been out there. They had a couple of comments. The owners are required to maintain the drainage that go onto the road by the State Highway. They shall be fully responsible for maintenance of their driveway and channelization including the portion from the highway right of way line to the outside edge of the highway shoulder or curb. Also, the plans are to document measured sight distances at the driveway's intersection with Route 17A and locate the nearest reference marker. Lastly, it will be required that the owner obtain a highway work permit to do the

following; trim branches and vegetation to optimize sight distance looking south along the west side of Route 17A; backfill area adjacent to pavement along the west side of Route 17A that has eroded.

Dave Getz: Those are minor comments. The applicant is aware of that.

Mr. Astorino: Ok. Laura, Are there any other comments that stick out?

Laura Barca: Comment #17, regarding the 911 addressing. That has been done since the date of this letter.

Mr. Astorino: Ok. We will list comments 8 through 24 for the record.

Comment #8: Sketch Plan Checklist I.11: wetlands, flood plains, bodies of water in the immediate area of the lot line change. If there are none, a note should be added to the plan. Sheet 1, Note 14 should be revised to state that, "... located more than 100-ft from the proposed construction areas."

Comment #9: Sketch Plan Checklist I.19: sight distances are not shown at Route 94? Site distances are shown; NYSDOT will conduct site inspection to confirm site distances.

Comment #10: A detail for the turnout should be included in the plan set. The detail must include a foundation base similar to the driveway (6-in) to provide support for vehicles when using the pull off. Also, the dimensions of the pull-off should be revised to 10-ft wide and 50-ft long with tapers of 25-ft to accommodate emergency vehicles.

Comment #11: The fall zone for the tallest part of the cell tower should be added to the plan set. The fall zone should also be placed on Sheet 1.

Comment #12: Additional details of the existing wireless facility and turnaround areas should be added to the plans.

Comment #13: The approximate location of the utility lines for the WTF should be shown on the plan. The recently submitted Special Use application shows the utility lines to the cell tower in a different location.

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Comment #15: The Applicant should complete a line-of-sight drawing, as well as a Visual Addendum to the EAF.

a. Submitted 01/12/11

Comment #16: Final Checklist G: Copies of the letters sent to police, ambulance, fire, and school must be submitted.

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Comment #18: Final Checklist L.7: Certification by a licensed land surveyor of metes and bounds has not been submitted. All existing and proposed easements must be shown.

Comment #19: Final Checklist L.8: Is there a conservation easement proposed? Who will be the owner of this easement?

Comment #20: A note should be added to the drawings clarifying where the 100-ft radius fall zone is with relationship to Lot 3; this note will serve as a notice to the owner/residents of Lot 3 not to erect any structures, etc. within this area.

Comment #21: Shared driveway notes, as well as private road maintenance notes must be added to the plan.

Comment #22: This subdivision is a conservation density subdivision and must comply with §164-41.2 (**Attachment 1**).

Comment #23: What mechanism does the cell tower and its co-locators have for means of access to the site once this subdivision takes place?

Comment #24: Surveyor to certify that iron rods have been set at all property corners.

Comment #25: Payment of Recreational fees.

Dave Getz: Yes.

Comment #26: Payment of all fees.

Dave Getz: Yes.

Mr. Bollenbach: We need to add to Comment #21. The open space note should be added to the plan.

Laura Barca: Ok.

Mr. Astorino: Do any Board members or Professionals have any comment? This is a public hearing. If there is anyone in the audience wishing to address the Randall Subdivision #4 application, please rise and state your name for the record. Let the record show no public comment.

Mr. Showalter 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: Randall 4 Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed three lot subdivision, Town of Warwick, Orange County, New York, and

Whereas, there are no other involved agencies pursuant to SEQR, and

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 11/10/10, 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. Kowal. Motion carried; 5-Ayes.

Mr. Showalter makes a motion on the Gary and Katherine Randall Subdivision #4 application, granting Final Approval of a proposed 3-Lot subdivision, situated on tax parcel S 19 B 1 L 47.2; parcel located on the western side of State Highway 94 whereas driveway is 500 feet north of Minturn Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on February 7, 2011. Approval is granted subject to the following conditions:

1. NYSDOT: letter/plan was sent in December 2010 (Final Checklist E is incomplete at this time); pending NYSDOT site inspection.
2. Sketch Plan Checklist I.11: wetlands, flood plains, bodies of water in the immediate area of the lot line change. If there are none, a note should be added to the plan. Sheet 1, Note 14 should be revised to state that, "... located more than 100-ft from the proposed construction areas."
3. Sketch Plan Checklist I.19: sight distances are not shown at Route 94? Site distances are shown; NYSDOT will conduct site inspection to confirm site distances.
4. A detail for the turnout should be included in the plan set. The detail must include a foundation base similar to the driveway (6-in) to provide support for vehicles when using the pull off. Also, the dimensions of the pull-off should be revised to 10-ft wide and 50-ft long with tapers of 25-ft to accommodate emergency vehicles.
5. The fall zone for the tallest part of the cell tower should be added to the plan set. The fall zone should also be placed on Sheet 1.
6. Additional details of the existing wireless facility and turnaround areas should be added to the plans.
7. The approximate location of the utility lines for the WTF should be shown on the plan. The recently submitted Special Use application shows the utility lines to the cell tower in a different location.
8. A detail for the swale should be provided demonstrating that the surface water flow to the swale is being properly managed. Provide calculations to show that non-erosive surfaces are being proposed in accordance with NYSDEC. The detail on Sheet 3 appears to show that the swale is vegetated; a planting schedule (type, number, and size) should be added to this detail.
9. The Applicant should complete a line-of-sight drawing, as well as a Visual Addendum to the EAF.
 - a. Submitted 01/12/11
10. Final Checklist G: Copies of the letters sent to police, ambulance, fire, and school must be submitted.
11. Final Checklist I: 9-1-1 address information is pending 9-1-1 coordinator.

12. Final Checklist L.7: Certification by a licensed land surveyor of metes and bounds has not been submitted. All existing and proposed easements must be shown.
13. Final Checklist L.8: Is there a conservation easement proposed? Who will be the owner of this easement?
14. A note should be added to the drawings clarifying where the 100-ft radius fall zone is with relationship to Lot 3; this note will serve as a notice to the owner/residents of Lot 3 not to erect any structures, etc. within this area.
15. Shared driveway notes, as well as private road maintenance notes and open space notes must be added to the plan.
16. This subdivision is a conservation density subdivision and must comply with §164-41.2 (**Attachment 1**).
17. What mechanism does the cell tower and its co-locators have for means of access to the site once this subdivision takes place?
18. Surveyor to certify that iron rods have been set at all property corners.
19. Payment of Recreational fees.
20. Payment of all fees.

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

Dave Getz: Thank you.

Gary Randall: Thank you.

Review of Submitted Maps:***T-Mobile Northeast (fka Omnipoint Communications, Inc.)***

Application for Site Plan Approval and Special Use Permit for the **“Renewal” of the Special Use Permit** for the continued use of an existing wireless telecommunications facility, situated on tax parcel S 19 B 1 L 47.2-2; project located on the western side of State Highway 94 900 feet north of Minturn Road (675 State Hwy 94), in the MT zone, of the Town of Warwick.

Representing the applicant: Doug Warden from Snyder & Snyder, LLC. Dave Weinpahl, Engineer.

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. Wireless Telecommunication Facility Board comments: (pending)
6. OCPD: pending submittal
7. Checklist L.4: The tax id number is incorrect; it should be revised to be 19-1-47.2.
8. Sheet 1: The zip code for the property is 10990; this should be revised.
9. Checklist L.10: The property owners within 300-ft of the property are not shown on the plans.
10. §164-79.A.(1) and (4) What is the color of monopole? What are the colors of the cabinets? Is the paint non-reflective?
11. §164-79.A.(1)(a) Is additional landscaping requested by the planning board? Site Inspection?
12. §164-79.A.(2) Where are the existing lighting features at the facility? Is the lighting shielded/facing downward? See also §164-43.4 Lighting.
13. §164-79.A.(3)(a) Is there existing signage at the facility? Is it in compliance with §164-43.1 Signs?
14. §164-79.A.(3)(b) Is facility surrounded by a security barrier with “No Trespassing” signs? Is a 24-hr emergency number posted? Are Danger-High Voltage signs required/posted?
15. §164-79.B.(4) Is noise less than 50dB at the property line?
16. §164-79.C.(1) What is current Radio Frequency Radiation (RFR)? Does this comply with current Federal, state, and local guidelines?
17. §164-80.C.(2) Is all equipment associated with the wireless telecommunication facility currently being utilized? Otherwise, it should be noted for removal.
18. §164-80.B.(1). This special use application requires proof that the Applicant is a licensed carrier; none was submitted.
19. §164-83.B Wireless Facilities shall be structurally inspected annually and certified by a professional engineer.
20. The location map on Sheet 1 of the drawing set is not legible.
21. Applicant to certify that all branches are in place (and not damaged) per the previously approved plan. Certification of this shall be provided to the Building Department.
22. The declaration information for the Agricultural Notes for projects within 2000-ft of an agriculturally zoned district will need to be shown on the drawing. This information has

already been filed with the Orange County Clerk's Office on 08/21/08 at liber 12719 page 0164.

23. The declaration information for the Ridgeline Overlay Notes will need to be shown on the drawing. This information has already been filed with the Orange County Clerk's Office on 08/21/08 at liber 12719 page 0164.
24. Surveyor to certify that iron rods have been set at all property corners. (Planning Board may choose to waive this because of the Randall 3-Lot Subdivision currently before the Planning Board.)
25. Payment of all fees.

Post Approval Actions Required:

26. In accordance with §164-86.C, the Special Use Permit is valid for 5 years. At that time, the Special Use Permit must either be renewed before the Planning Board or the tower removed.
27. The tower owner, holder of the Special Use Permit, shall submit evidence of compliance with the FCC standards, including Radio Frequency Radiation (RFR), on a yearly basis to the Planning Board (§164-78.D).
28. The tower owner, holder of the Special Use Permit, shall be structurally inspect the tower annually; this report shall be certified by a Professional Engineer (§164-83.B).
29. After Planning Board Approval of Special Use Permit, which is valid for 5 years, notification to the Building Department that the Special Use had been renewed.

The following comment submitted by the Conservation Board, dated 2/7/11:

T-Mobile Northeast (fka Omnipoint Communications, Inc.) – The CB has no comments.

The following comment submitted by the ARB:

T-Mobile Northeast (fka Omnipoint Communications, Inc.) – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This application is for the renewal of the special use permit. It is classified as a Type 2 Action. The Planning Board does not need to do a SEQR review on this application.

Mr. Showalter makes a motion for the Type 2 Action.

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

617.6
State Environmental Quality Review (SEQR)
Resolution
Type 2 Action

Name of Action: T-Mobile Special Use Permit Renewal

Whereas, the Town of Warwick Planning Board is in receipt of a Special Use Permit application by T-Mobile Northesast LLC (f/k/a Omnipoint Communications Inc.) for a ± 47 acre parcel of land located at the West side of NYS Route 94, 900 feet North of Minturn Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 12-29-10 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 a Type 2 Action that meets the thresholds found in 6 NYCRR 617.5(c)(26) and, therefore, SEQR does not apply, and

Whereas, the Planning Board has determined that the proposed project is within an agricultural district and, therefore, the requirements of 617.6(a)(6) apply meaning that an Agricultural Data Statement must be provided by the applicant, 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 that no further review under SEQR is required.

Comment #2: Applicant to discuss project.

Doug Warden: This application is for the renewal of a special use permit for an existing cell tower. It was approved 5 years ago for a 100-foot monopole. It is structurally sound. We will comply to all the conditions that are required.

Mr. Astorino: Laura, do any of these comments stand out to you?

Laura Barca: The comments are pretty much straight forward. Comment #9 states the property owners within 300 feet of the property are not shown on the plans. Does the Planning Board want that requirement?

Mr. Astorino: Is it part of the Code?

Laura Barca: Yes.

Mr. Astorino: Yes. We do want the 300 feet of property owners shown on the plan. What else do you have?

Laura Barca: Does the Planning Board wish to see any additional landscaping?

Mr. Astorino: I don't think so. This is just coming back for renewal. We had required this at the first go around.

Laura Barca: Ok.

Mr. McConnell: Has anyone taken a look at the landscaping that was required originally to see if it is still there?

Mr. Astorino: There are a bunch of trees.

Laura Barca: I believe we had done that when Verizon was before the Board.

Mr. Astorino: We did add some more trees.

Mr. McConnell: Ok.

Mr. Showalter: As I recall, we had added more trees because there wasn't enough.

Mr. Astorino: Laura, do you have anything else?

Laura Barca: Comment #15, is noise level less than 50dB at the property line? I don't believe anything was submitted that would have that.

Doug Warden: We haven't done that yet. The noise of the equipment hasn't changed since it was originally approved.

Laura Barca: Ok.

Mr. Bollenbach: The equipment has changed since the original approval 5 years ago. We just had some revisions and additional equipment that was just placed on the property.

Doug Warden: Ok.

Mr. Kowal: Is there a generator on the property?

David Weinpahl: I am the Engineer for the project. It is enclosed in Verizon's shelter.

Mr. Astorino: That was there originally.

David Weinpahl: T-Mobile came in first. I believe AT&T had put in some equipment. They came in second. Then, Verizon came in as the third one. That is the order of the equipment when it came in.

Mr. Astorino: Get us a decibel reading at the property line with the equipment running and functioning.

Doug Warden: Ok.

Mr. Astorino: Laura, do you have anything else?

Laura Barca: Comment #16, regarding the Radio Frequency Radiation Report, we have received that report. The radio frequency is appropriate. They looked at all of the providers that are currently on the tower right now. They are in compliance with everything in the threshold.

Mr. Astorino: Ok.

Mr. Bollenbach: Could we strike Comment #16?

Laura Barca: Yes.

Mr. Bollenbach: Ok. We will strike Comment #16. Regarding Comment #15, we will leave that comment. It will need to be verified.

Laura Barca: Comment #19 regarding the structural report that needed to be certified by a professional engineer, they have submitted that report. It is in accordance with the TIA22G, which is the most current. It has been certified by an engineer. Comment #19 is complete.

Mr. Astorino: We could strike comment #19.

Mr. Bollenbach: I just want to comment on that. I don't believe for the year 2009 it was ever submitted. I don't believe it was ever submitted for the years 2008 and 2007. This is something that has to be done on a regular basis.

Mr. Astorino: Right. That is supposed to be done on a yearly basis.

Mr. Bollenbach: Right.

Mr. Astorino: I think the Building Department has a program that will trigger that now.

Mr. Bollenbach: The applicant needs to be aware of that requirement.

Laura Barca: At the end of these comments, I tried to put post approval actions required. I tried to document that those items need to be provided on an annual basis. My question regarding Comments 22 through 24, the declaration information for the Ag Notes, Ridgeline Notes, and the certification of iron pins, I believe they are all being handled through the subdivision.

Mr. Astorino: Laura, just leave those comments on there so that we could follow through with that.

Laura Barca: Ok. Regarding Comment #24, certification of iron pins, it is a site plan so they don't need to do a certification of iron pins. Is that correct?

Mr. Bollenbach: Correct.

Mr. Astorino: We could strike comment #24.

Doug Warden: Regarding the Ag Notes and the Ridgeline Overlay notes, are we putting them on the site plan?

Mr. Astorino: Yes.

Mr. Bollenbach: Correct. Regarding Comment #5, have we received anything from the Town's Wireless Telecommunication Facility Board?

Laura Barca: No.

Mr. Bollenbach: What about Comment # 6, regarding O.C. Planning Dep't. Have we received anything from them.

Laura Barca: I think we received something from O.C. Planning today. Connie, is that correct?

Connie Sardo: Yes. We received a letter from them last Friday. They really had no comments.

Mr. Bollenbach: Ok. We could strike comments 1 through 6. I am looking at Comment #10, regarding colors. Has a color sample been provided? Comment #10 should stay and state "provide samples". There is also a note on here that the reflectivity has to be less than 50%.

Mr. Astorino: We had that stuff when they were here before us the first time.

Mr. Bollenbach: I know. What is the color of it now? That is what I am asking. I don't know. Has the equipment shelter been changed? There are certain earth tone requirements and non-reflectivity. I believe that is what this comment refers to.

Mr. Astorino: We will leave comment #10.

Mr. Bollenbach: We will add to that comment less than 50% reflectivity and need to verify.

Mr. Astorino: Just go through the comments. I'm sure the lighting hasn't changed.

Mr. Bollenbach: Is there lighting? Is there emergency lighting on the site?

Doug Warden: I don't think we do. I think we just have a cabinet.

Dave Weinpahl: T-Mobile just has a cabinet with no lighting. Verizon Wireless has a shelter with 2 lights just on the side of the shelter. That is part of a separate application.

Mr. Bollenbach: Put a "verify" on comments #12 and #13. Ok. That is all I have.

Mr. Astorino: Ok. We are striking comments 1 through 6 and comments 11, 16, 19, & 24. It will be comments 7 through 29 as revised.

Comment #3: Conservation Board comments: (pending)

Comment #4: Architectural Review Board comments: (pending)

Comment #5: Wireless Telecommunication Facility Board comments: (pending)

Comment #6: OCPD: pending submittal

Comment #7: Checklist L.4: The tax id number is incorrect; it should be revised to be 19-1-47.2.

Comment #8: Sheet 1: The zip code for the property is 10990; this should be revised.

Comment #9: Checklist L.10: The property owners within 300-ft of the property are not shown on the plans.

Comment #10: §164-79.A.(1) and (4) What is the color of monopole? What are the colors of the cabinets? Is the paint non-reflective?

Comment #11: §164-79.A.(1)(a) Is additional landscaping requested by the planning board? Site Inspection?

Comment #12: §164-79.A.(2) Where are the existing lighting features at the facility? Is the lighting shielded/facing downward? See also §164-43.4 Lighting.

Comment #13: §164-79.A.(3)(a) Is there existing signage at the facility? Is it in compliance with §164-43.1 Signs?

Comment #14: §164-79.A.(3)(b) Is facility surrounded by a security barrier with “No Trespassing” signs? Is a 24-hr emergency number posted? Are Danger-High Voltage signs required/posted?

Comment #15: §164-79.B.(4) Is noise less than 50dB at the property line?

Comment #16: §164-79.C.(1) What is current Radio Frequency Radiation (RFR)? Does this comply with current Federal, state, and local guidelines?

Comment #17: §164-80.C.(2) Is all equipment associated with the wireless telecommunication facility currently being utilized? Otherwise, it should be noted for removal.

Comment #18: §164-80.B.(1). This special use application requires proof that the Applicant is a licensed carrier; none was submitted.

Comment #19: §164-83.B Wireless Facilities shall be structurally inspected annually and certified by a professional engineer.

Comment #20: The location map on Sheet 1 of the drawing set is not legible.

Comment #21: Applicant to certify that all branches are in place (and not damaged) per the previously approved plan. Certification of this shall be provided to the Building Department.

Comment #22: The declaration information for the Agricultural Notes for projects within 2000-ft of an agriculturally zoned district will need to be shown on the drawing. This information has already been filed with the Orange County Clerk’s Office on 08/21/08 at liber 12719 page 0164.

Comment #23: The declaration information for the Ridgeline Overlay Notes will need to be shown on the drawing. This information has already been filed with the Orange County Clerk’s Office on 08/21/08 at liber 12719 page 0164.

Comment #24: Surveyor to certify that iron rods have been set at all property corners. (Planning Board may choose to waive this because of the Randall 3-Lot Subdivision currently before the Planning Board.)

Comment #25: Payment of all fees.

Post Approval Actions Required:

Comment #26: In accordance with §164-86.C, the Special Use Permit is valid for 5 years. At that time, the Special Use Permit must either be renewed before the Planning Board or the tower removed.

Comment #27: The tower owner, holder of the Special Use Permit, shall submit evidence of compliance with the FCC standards, including Radio Frequency Radiation (RFR), on a yearly basis to the Planning Board (§164-78.D).

Comment #28: The tower owner, holder of the Special Use Permit, shall be structurally inspect the tower annually; this report shall be certified by a Professional Engineer (§164-83.B).

Comment #29: After Planning Board Approval of Special Use Permit, which is valid for 5 years, notification to the Building Department that the Special Use had been renewed.

Mr. Bollenbach: Would the applicant request a waiver of the public hearing?

Doug Warden: Yes.

Mr. Bollenbach: It would be something the Board could consider. It is substantially the same application that had been previously approved.

Mr. McConnell: John, are we waiting for comments from the Wireless Telecommunication Facility?

Mr. Bollenbach: They were submitted. We had no response. They had 30 days to respond.

Mr. McConnell: Ok.

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

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

Mr. Kowal makes a motion on the T-Mobile Northeast (fka Omnipoint Communications, Inc.) application, granting Site Plan Approval and Special Use Permit for the ***“Renewal” of the Special Use Permit*** for the continued use of an existing wireless telecommunications facility, situated on tax parcel S 19 B 1 L 47.2-2; project located on the western side of State Highway 94 900 feet north of Minturn Road (675 State Hwy 94), in the MT zone, of the Town of Warwick, County of Orange, State of New York. A Type 2 Action was adopted on February 7, 2011. Approval is granted subject to the following conditions:

1. Checklist L.4: The tax id number is incorrect; it should be revised to be 19-1-47.2.
2. Sheet 1: The zip code for the property is 10990; this should be revised.
3. Checklist L.10: The property owners within 300-ft of the property are not shown on the plans.
4. §164-79.A.(1) and (4) What is the color of monopole? What are the colors of the cabinets? Is the paint non-reflective? ($\leq 50\%$) Verify.
5. §164-79.A.(2) Where are the existing lighting features at the facility? Is the lighting shielded/facing downward? See also §164-43.4 Lighting. Verify.
6. §164-79.A.(3)(a) Is there existing signage at the facility? Is it in compliance with § 164-43.1 Signs? Verify.
7. §164-79.A.(3)(b) Is facility surrounded by a security barrier with “No Trespassing” signs? Is a 24-hr emergency number posted? Are Danger-High Voltage signs required/posted?
8. §164-79.B.(4) Is noise less than 50dB at the property line? Verify.
9. §164-80.C.(2) Is all equipment associated with the wireless telecommunication facility currently being utilized? Otherwise, it should be noted for removal.
10. §164-80.B.(1). This special use application requires proof that the Applicant is a licensed carrier; none was submitted.
11. The location map on Sheet 1 of the drawing set is not legible.
12. Applicant to certify that all branches are in place (and not damaged) per the previously approved plan. Certification of this shall be provided to the Building Department.
13. The declaration information for the Agricultural Notes for projects within 2000-ft of an agriculturally zoned district will need to be shown on the drawing. This information has already been filed with the Orange County Clerk’s Office on 08/21/08 at liber 12719 page 0164.

14. The declaration information for the Ridgeline Overlay Notes will need to be shown on the drawing. This information has already been filed with the Orange County Clerk's Office on 08/21/08 at liber 12719 page 0164.
15. Payment of all fees.

Post Approval Actions Required:

16. In accordance with §164-86.C, the Special Use Permit is valid for 5 years. At that time, the Special Use Permit must either be renewed before the Planning Board or the tower removed.
17. The tower owner, holder of the Special Use Permit, shall submit evidence of compliance with the FCC standards, including Radio Frequency Radiation (RFR), on a yearly basis to the Planning Board (§164-78.D).
18. The tower owner, holder of the Special Use Permit, shall be structurally inspect the tower annually; this report shall be certified by a Professional Engineer (§164-83.B).
19. After Planning Board Approval of Special Use Permit, which is valid for 5 years, notification to the Building Department that the Special Use had been renewed.

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

Doug Warden: Thank you.

Warwick Isle Corp.

Application for Preliminary Approval for filing a 33-Lot Cluster subdivision in Sections and an Application for Final Approval for Section I to consist of a proposed 7-Lot Cluster subdivision, and Special Use Permit for the 3-Affordable Homes, situated on tax parcel S 3 B 1 L 6.21, parcel located on the northern side of Merritts Island Road at the intersection with County Route 1, in the SL zone, of the Town of Warwick, County of Orange, State of New York. Original Preliminary Approval for the 33-Lot Cluster subdivision was granted on 6/21/06.

Representing the applicant: James Ramos from Kirk Rother Engineering.

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. OCDOH granted approval for this subdivision on 04/14/09; all work must be completed within 5 years or an extension must be requested from OCDOH citing the reason why the work was not completed within 5 years. Phase 1 will require OCDOH approval and signature before being filed with Orange County Clerk's Office.
6. If a stormwater plan was never finalized for the overall subdivision plan, one will need to be completed for the sectionalized plan.
7. How will stock piling of soils be accomplished or what will the cut/fill be now that the subdivision is being developed in sections? Soil stockpiles are shown on Sheet 11 of 11 showing excess materials in Section 1 to be used in Section 2; the estimated amount of excess should be provided.
8. The curtain drain and drainage easements shown on Sheet 2 of 12 do not show the width or beneficiary of the easement.
9. Is landscaping or seeding proposed for the center section of the boulevard entranceway?
10. On the sectionalized plan there does not appear to be a lot line between lots 1 and 31.
11. Remove all lot lines for future sections.
12. Sheet 3 of 11 states that Section 1 contains lots 1 through 7; this should be corrected to state that it contained lots 1 through 6.
13. Sheet 3 of 11: Is lot 19 in Section 2 or Section 3?
14. In lieu of the K-turnaround, the applicant should consider a cul-de-sac with a radius of 40-ft; this would accommodate typical residential vehicle traffic on a private without requiring backward movements.
15. The areas that will be temporarily paved can receive a reduced cross section from the permanent boulevard cross section (i.e., same sub-grade and sub-base, with a reduced top course thickness). A detail should be included; the plan sheet should specifically show where the permanent paving cross section stops and the temporary begins.
16. A temporary easement would be required for the temporary roadway construction outside of the right-of-way. The plans shall specifically state how and when the temporary easement would expire.
17. The plans should state how the restoration of private driveways/lawn areas would take place. It should be stated that the driveways/lawn areas shall be replaced promptly at the expense of the developer with similar material to the existing.

18. The plans should include a restoration plan for how the temporary turnaround area will be transformed into the final appearance of this area on the preliminarily approved Overall Subdivision Plan when Section 2 is constructed, including who is responsible for costs of the restoration.
19. Sheet 6 of 11 shows a dirt road stub at the end of Section 1 after the K-turnaround and before Section 2 begins. On Sheet 3, there is no roadway proposed beyond the K-turnaround. The need for this dirt road should be clarified.
20. There should be a note added to Sheet 1 stating that this is a plan being constructed in Sections and reference the overall subdivision plan and where it can be located.
21. A technical meeting may be required with the Applicant's engineer to better understand what is changing from the Overall Subdivision Plan to the Section 1 Plan (HDR did not review the Overall Subdivision Plan).
22. The declarations for no further subdivision (Sheet 1, Note 15), open space (Sheet 1, Note 16), archeological sensitive areas (Sheet 1, Note 17), and all easements (Sheet 1, Note 24) must be shown on the drawing.
23. The declarations for aquifer overlay notes and agricultural overlay notes will be required to be shown on the drawing.
24. Surveyor to certify that iron rods have been set at all property corners.
25. Payment of parkland fees.
26. Payment of all fees.

The following comment submitted by the Conservation Board, dated 2/7/11:

Warwick Isle Corp. - The CB's questions/comments pertain to the open space. How will the open space be delineated? Will there be a conservation easement or a deed restriction? The CB recommends for the open space plan to be reconfigured to allow for larger, more contiguous open space.

The following comment submitted by the ARB:

Warwick Isle Corp. – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: SEQR has already been complied with on this subdivision. The Planning Board had already issued a Negative Declaration on 6/21/06.

Comment #2: Applicant to discuss project.

James Ramos: We have a 33-lot subdivision located off C.R. 1. We received preliminary approval on the 33-lot subdivision back on 6/21/06. We also received OCHD approval for the 33 lots. What we are looking to do is to divide this subdivision into 3 sections. We are hoping to be set for a public hearing tonight.

Comment #3: Conservation Board comments: (pending)

Mr. Astorino: We have a comment from the Conservation Board, dated 2/7/11: "*The CB's questions/comments pertain to the open space. How will the open space be delineated? Will there be a conservation easement or a deed restriction? The CB recommends for the open space plan to be reconfigured to allow for larger, more contiguous open space.*" We are not changing this plan. It is an approved plan. We are going for sections. Is that correct?

Laura Barca: Correct?

Mr. Astorino: It is pretty much what had been approved back in 2006.

Mr. McConnell: The delineation is still pretty much the same.

Mr. Astorino: Right. This is not a new subdivision.

Mr. McConnell: Right.

Laura Barca: Right.

Mr. Bollenbach: It is only grandfathered to the extent of the yield lot count. There are some new requirements for the open space. Take a look at it in the Code.

James Ramos: Ok.

Comment #4: Architectural Review Board comments: (pending)

Comment #5: OCDOH granted approval for this subdivision on 04/14/09; all work must be completed within 5 years or an extension must be requested from OCDOH citing the reason why the work was not completed within 5 years. Phase 1 will require OCDOH approval and signature before being filed with Orange County Clerk's Office.

Comment #6: If a stormwater plan was never finalized for the overall subdivision plan, one will need to be completed for the sectionalized plan.

Laura Barca: It was finalized.

Mr. McConnell: Could we strike comment #6?

Laura Barca: Yes.

Mr. Astorino: Ok. We can strike comment #6.

Comment #7: How will stock piling of soils be accomplished or what will the cut/fill be now that the subdivision is being developed in sections? Soil stockpiles are shown on Sheet 11 of 11 showing excess materials in Section 1 to be used in Section 2; the estimated amount of excess should be provided.

James Ramos: We removed those.

Comment #8: The curtain drain and drainage easements shown on Sheet 2 of 12 do not show the width or beneficiary of the easement.

James Ramos: We will show that.

Comment #9: Is landscaping or seeding proposed for the center section of the boulevard entranceway?

James Ramos: Yes.

Mr. Astorino: John, would that be in the HOA?

Mr. Bollenbach: Yes. The applicant will have to provide information on that.

Laura Barca: Ben, that is something that I would like to meet with the DPW. Eventually there will be a road the applicant proposes to dedicate to the Town. I want to make sure that whatever they propose the DPW would be ok with it and if they would need anything in the future.

Mr. Astorino: Ok.

Comment #10: On the sectionalized plan there does not appear to be a lot line between lots 1 and 31.

James Ramos: Ok.

Comment #11: Remove all lot lines for future sections.

James Ramos: Ok.

Comment #12: Sheet 3 of 11 states that Section 1 contains lots 1 through 7; this should be corrected to state that it contained lots 1 through 6.

James Ramos: Ok.

Comment #13: Sheet 3 of 11: Is lot 19 in Section 2 or Section 3?

James Ramos: Ok.

Laura Barca: The rest of the comments are more technical in nature.

Mr. Astorino: Ok. We will list comments 14 through 26 for the record. Do any Board members or Professionals have any comments or concerns?

Mr. Kowal: You said that the dirt would be stored along the road.

James Ramos: Yes. There will be a couple of stockpiles. They will be shown on the revised plans.

Mr. Kowal: How far away will it be?

James Ramos: I am not sure of the exact locations yet.

Mr. Kowal: There are steep slopes located over there. You will need to make sure there silt fences located over there.

James Ramos: Yes. Absolutely. It will be on the detail plan.

Comment #14: In lieu of the K-turnaround, the applicant should consider a cul-de-sac with a radius of 40-ft; this would accommodate typical residential vehicle traffic on a private without requiring backward movements.

Comment #15: The areas that will be temporarily paved can receive a reduced cross section from the permanent boulevard cross section (i.e., same sub-grade and sub-base, with a reduced top course thickness). A detail should be included; the plan sheet should specifically show where the permanent paving cross section stops and the temporary begins.

Comment #16: A temporary easement would be required for the temporary roadway construction outside of the right-of-way. The plans shall specifically state how and when the temporary easement would expire.

Comment #17: The plans should state how the restoration of private driveways/lawn areas would take place. It should be stated that the driveways/lawn areas shall be replaced promptly at the expense of the developer with similar material to the existing.

Comment #18: The plans should include a restoration plan for how the temporary turnaround area will be transformed into the final appearance of this area on the preliminarily approved Overall Subdivision Plan when Section 2 is constructed, including who is responsible for costs of the restoration.

Comment #19: Sheet 6 of 11 shows a dirt road stub at the end of Section 1 after the K-turnaround and before Section 2 begins. On Sheet 3, there is no roadway proposed beyond the K-turnaround. The need for this dirt road should be clarified.

Comment #20: There should be a note added to Sheet 1 stating that this is a plan being constructed in Sections and reference the overall subdivision plan and where it can be located.

Comment #21: A technical meeting may be required with the Applicant's engineer to better understand what is changing from the Overall Subdivision Plan to the Section 1 Plan (HDR did not review the Overall Subdivision Plan).

Comment #22: The declarations for no further subdivision (Sheet 1, Note 15), open space (Sheet 1, Note 16), archeological sensitive areas (Sheet 1, Note 17), and all easements (Sheet 1, Note 24) must be shown on the drawing.

Comment #23: The declarations for aquifer overlay notes and agricultural overlay notes will be required to be shown on the drawing.

Comment #24: Surveyor to certify that iron rods have been set at all property corners.

Comment #25: Payment of parkland fees.

Comment #26: Payment of all fees.

Mr. Bollenbach: Does the applicant wish to be set for a public hearing?

James Ramos: Yes.

Mr. McConnell makes a motion to set the Warwick Isle Application for a Preliminary Public Hearing for filing the subdivision into Sections and a Final Public Hearing for Section I.

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

James Ramos: Thank you.

Dr. Donald McCain and Imelda McCain

Application for Site Plan Approval for the construction and use of a pond located within "A Designated Protection Area" of Wawayanda Creek, situated on tax parcels S 49 B 1 L 90 and L 33.2; project located on the northern side of State Highway 94 South 485 feet east of Wawayanda Road, (230 State Highway 94 South), in the RU zone, of the Town of Warwick. Previously discussed at the 9/1/10 Planning Board meeting.

Representing the applicant: David Getz from Lehman & Getz Engineering.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments (08/29/10):
 - a. How many trees were cleared?
 - b. To what extent was grading & excavating conducted?
4. Architectural Review Board comments (08/28/10):
 - a. No comments submitted at this time.
5. OCPD, dated August 27, 2010: local determination with **binding comment** that a portion of Pond A is located within 100-ft of Wawayanda Creek and pond should be redesigned and relocated.
6. The septic system is described as being located on 49-1-90, but it does not appear to be shown; the location of the septic system should be shown on the plan sheet.
7. Is there a shared driveway agreement for the shared driveways on lots 49-1-89 and 49-1-90; both are owned by Dr. & Mrs. McCain.
8. A portion of this project was conducted in a Zone AE floodplain, which means that a Floodplain Development Permit must be issued from the Building Inspector. The Applicant should prepare an application in accordance with §89-4.3, as appropriate, and submit to the Planning Board for review prior to submitting to the Building Inspector.
9. The NYSDOH separation distance requirements between a stream and various parts of the septic system must be shown on the drawing. Septic system for 49-1-90 has not been shown.
10. If excavation was conducted, where were the excavated materials disposed?
11. According to §150-4, over 0.25-acre is not allowed to be cleared without a permit from the building department citing any planning board requirements.
12. Although it is understand that some of the lighting concerns have already been addressed by the Applicant, the project area must be in compliance with §164-43.4. If the security lights have already been placed on motion sensors, a note must be added to the plan.
13. All exterior lighting must be in compliance with the Town Code, which means that all lighting must be shielded and glare must be minimized. Are isometric line drawings available for the existing condition?
14. Tax lot 49-1-33.2 has a NYSDOT approved driveway entrance and a septic system location that has soil tests that have been witnessed by the previous planning board engineer; this information should be added to the plans.
15. On September 30, 2010 there was a significant rain event and it is believed that the installed berm and trees along Route 94 created a condition where stormwater ponding occurred; the Applicant should submit revised plans that show how this condition will be corrected.

16. The Applicant appears to have installed some fabric screening material around most of the property along Route 94 more than 4-ft in height, which is in violation of §164-41.C.4(f); see **Attachment 1**.
17. The declaration information for the Aquifer and Agricultural Protection Overlays must be shown on the plan prior to the Chairman's signature.
18. Surveyor to certify that iron rods have been set at all property corners.
19. Payment of all fees.

The following comment submitted by the Conservation Board, dated 2/7/11:

Dr. Donald McCain and Imelda McCain - The CB would like to see all of the wetlands on this property properly delineated. The CB recommends that any and all new trees/plantings be from an approved native species list. The question arose that there is the potential for ponding of rainwater on the road, as a direct result of the large berm that runs along Rt. 94. Can this be evaluated and rectified if it indeed does present ponding of rainwater? The CB recommends that all future plans require proper permits and approvals. The Wawayanda Creek, which runs through this property, and the wetland surrounds, demand extra care and consideration when considering said plans.

The following comment submitted by the ARB:

Dr. Donald McCain and Imelda McCain – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has declared itself Lead Agency on this application. We have been reviewing it with the short EAF. We are in the process of collecting information. There are some SEQR comments listed in the review comments tonight.

Comment #2: Applicant to discuss project.

Dave Getz: We had a site visit with the Planning Board last year to review the pond. The pond that was built and modified had appeared at a Planning Board meeting that evening. Since that time, our office and HDR had done some research into the DEC and some other issues that were related to the construction that was done. No new changes are included in the plan as far as additional disturbance or anything like that. We had just provided more details and some backup information.

Comment #3: Conservation Board comments (08/29/10):

- a. How many trees were cleared?
- b. To what extent was grading & excavating conducted?

Mr. Astorino: We have a comment from the CB, dated 2/7/11: *“The CB would like to see all of the wetlands on this property properly delineated. The CB recommends that any and all new trees/plantings be from an approved native species list. The question arose that there is the potential for ponding of rainwater on the road, as a direct result of the large berm that runs along Rt. 94. Can this be evaluated and rectified if it indeed does present ponding of rainwater? The CB recommends that all future plans require proper permits and approvals. The Wawayanda Creek, which runs through this property, and the wetland surrounds, demand extra care and consideration when considering said plans”*. Laura, you and I had gone out there.

Laura Barca: Yes.

Mr. Showalter: That has been like that for years. That wasn't just created by this. The road was not properly built there. It is not the applicant's fault.

Mr. Astorino: They are before the Planning Board. Dave, you will need to take care of that.

Dave Getz: The applicant is willing to re-grade an area.

Comment #4: Architectural Review Board comments (08/28/10):

c. No comments submitted at this time.

Comment #5: OCPD, dated August 27, 2010: local determination with **binding comment** that a portion of Pond A is located within 100-ft of Wawayanda Creek and pond should be redesigned and relocated.

Laura Barca: I called OCPL to clarify with them that the pond has already been built. OCPL did not wish to rescind their letter or modify it in any way.

Mr. Astorino: We need a super majority to override OCPL.

Dave Getz: As you know, we don't want to disturb anything more. If we relocated the pond that could cause a lot of disturbance.

Laura Barca: Right.

Mr. Bollenbach: How much disturbance would that be? Maybe, you could demonstrate to the Board what that would entail.

Mr. McConnell: Has there been any discussions between the applicant and OCPL regarding any mitigation they would accept short of re-designing and relocating? I know of some ponds in this Town that are close to Wawayanda Creek that were required to increase the amount of land between the pond and the creek. That was a DEC issue. But, I was wondering if something like that has ever been discussed.

Dave Getz: The DEC had come out to the site. They were satisfied with everything that was there.

Mr. Astorino: Laura, did you verify that?

Laura Barca: Yes.

Mr. McConnell: I am just using that as a model for discussions with the O.C. Planning Department.

Dave Getz: When I had seen OCPL's comment, I had expected that they thought it was a proposed pond. Then, that would have been a lot easier to move it before it was constructed.

Mr. McConnell: Right. Ben, I think before this Board starts considering a super majority to override this, I think there should at least be a discussion between the applicant and the O.C. Planning Department as to whether there is something that the OCPL would be willing to accept.

Mr. Astorino: That has to go from the Planning Board to OCPL. The applicant doesn't go directly to OCPL.

Mr. McConnell: Ok.

Mr. Astorino: We could have Laura take care of that for us.

Mr. McConnell: I am just saying, before we consider anything.

Mr. Astorino: I understand. I agree with you. You want to know the facts.

Mr. McConnell: Right.

Dave Getz: Mr. Bollenbach had suggested if you wanted to see an analysis about what would be involved if the pond were to be relocated. We could provide that.

Mr. Astorino: Ok.

Mr. McConnell: How much of the pond is within 100 feet of Wawayanda Creek?

Dave Getz: There is approximately $\frac{1}{4}$ of the pond that is within 100 feet.

Mr. McConnell: You could conceivably fill that and be beyond their concern.

Dave Getz: Conceivably, yes. There are quite a few trees planted there. There is a gazebo located over there.

Mr. McConnell: Dave, a gazebo could easily be moved.

Dave Getz: There is a nicely planted area over there.

Mr. Astorino: Laura, why don't you contact OCPL?

Laura Barca: Ok.

Mr. McConnell: Let us get some facts.

Mr. Astorino: Laura, do any of these other comments stand out to you?

Laura Barca: Comment #13, regarding the exterior lighting, we have not received any correspondence back from that. I am not sure but there is some type of fabric screening material that is up there. But, according to the definition for fencing in the Town Code makes it an illegal fence.

Dave Getz: Yes. We are advising the applicant to take that down.

Laura Barca: Ok.

Dave Getz: As far as the lighting, when John Batz was the Building Inspector, he told the applicant that he wasn't concerned about the landscape lighting. He was concerned about the lighting on the buildings. They have put motion sensors on those lights. I believe they would still have to be shielded.

Mr. Astorino: Yes. They would have to be shielded.

Dave Getz: Ok. One comment asks if there is an isolux drawing available for the existing conditions. We don't have anything on that yet.

Laura Barca: Ok. We just need a little more information on that. If you drive by that site at night, it is probably brighter than PriceChopper.

Dave Getz: I have seen that. That would also include the landscape lighting. Is the Board also concerned about the landscape lighting?

Mr. Bollenbach: Dave, we have updates for lighting. Make it comply.

Dave Getz: Ok.

Mr. Bollenbach: What is the status of the Court Appearances for the fence removal for putting a fence up without a permit? I think there was also barbwire fencing.

Dave Getz: I am not familiar with that.

Mr. Bollenbach: Could you verify that? Yes, there was barbwire fencing. That is why it appears in the Code that barbwire fencing is prohibited for residential use.

Laura Barca: I didn't know that barbwire fencing was put up.

Mr. Bollenbach: That was why it was included in the Code revisions specifically. Just confirm that it was removed.

Dave Getz: Ok.

Mr. Astorino: Laura, do you have anything else?

Laura Barca: Those were the big topics from me unless there would be something else you would want to talk about.

Dave Getz: I don't have anything else.

Mr. Astorino: We will list Comments 6 through 19 for the record. Does the Board or Professionals have anything else?

Dave Getz: We will address the comments and get back to you.

Mr. Astorino: Ok.

Dave Getz: Thank you.

Comment #6: The septic system is described as being located on 49-1-90, but it does not appear to be shown; the location of the septic system should be shown on the plan sheet.

Comment #7: Is there a shared driveway agreement for the shared driveways on lots 49-1-89 and 49-1-90; both are owned by Dr. & Mrs. McCain.

Comment #8: A portion of this project was conducted in a Zone AE floodplain, which means that a Floodplain Development Permit must be issued from the Building Inspector. The Applicant should prepare an application in accordance with §89-4.3, as appropriate, and submit to the Planning Board for review prior to submitting to the Building Inspector.

Comment #9: The NYSDOH separation distance requirements between a stream and various parts of the septic system must be shown on the drawing. Septic system for 49-1-90 has not been shown.

Comment #10: If excavation was conducted, where were the excavated materials disposed?

Comment #11: According to §150-4, over 0.25-acre is not allowed to be cleared without a permit from the building department citing any planning board requirements.

Comment #12: Although it is understood that some of the lighting concerns have already been addressed by the Applicant, the project area must be in compliance with §164-43.4. If the security lights have already been placed on motion sensors, a note must be added to the plan.

Comment #13: All exterior lighting must be in compliance with the Town Code, which means that all lighting must be shielded and glare must be minimized. Are isometric line drawings available for the existing condition?

Comment #14: Tax lot 49-1-33.2 has a NYSDOT approved driveway entrance and a septic system location that has soil tests that have been witnessed by the previous planning board engineer; this information should be added to the plans.

Comment #15: On September 30, 2010 there was a significant rain event and it is believed that the installed berm and trees along Route 94 created a condition where stormwater ponding occurred; the Applicant should submit revised plans that show how this condition will be corrected.

Comment #16: The Applicant appears to have installed some fabric screening material around most of the property along Route 94 more than 4-ft in height, which is in violation of §164-41.C.4(f); see **Attachment 1**.

Comment #17: The declaration information for the Aquifer and Agricultural Protection Overlays must be shown on the plan prior to the Chairman's signature.

Comment #18: Surveyor to certify that iron rods have been set at all property corners.

Comment #19: Payment of all fees.

Carroll Equipment / Steve Saufroy 2-Lot Subdivision

Application for Sketch Plat Review of a proposed 2-Lot (**Major**) subdivision, situated on tax parcel S 31 B 2 L 30.21; parcel located on the northern side of Denton Lane 880' east of Ackerman Road, in the RU zone, of the Town of Warwick. ZBA granted 280a Variance, granted on 10/27/08. Previously discussed at the 2/4/09 and 8/5/09 Planning Board meetings.

Representing the applicant: Ernie Johnson from Fusco Engineering. Steve Saufroy, Applicant.

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. OCPD: pending
6. TW ZBA: 280(a) driveway access to a private road was granted 10/27/08 for 24 months; this approval has lapsed. A complete application must be submitted to the ZBA.
7. The Applicant may want to decrease the scale of the drawing (so that the site features appear larger); this map will eventually be filed with Orange County Clerk's Office and must conform to their requirements.
8. A separate plat sheet may be helpful to show the metes and bounds, easements, etc. for this proposed subdivision.
9. There appears to be contours shown through the pond; this should be corrected.
10. The proposed contours do appear to be shown and need to be shown.
11. The lots need to be numbered on Sheet 2 of the drawing set.
12. The Applicant does not need to design a replacement septic system, but it should be shown that there is a location that meets all separation requirements if the existing septic system fails.
13. The soil tests and septic design will need to be re-evaluated. The system is located in an area where the percolation test never stabilized. The design rate shown on Sheet 2 is 4.03 and 4.40 minutes but the stabilized rate in both cases was 5 minutes. The percolation rate used for the design (Sheet 3) was 6-7 minutes. This information should be clarified.
14. Add a note to the plan stating that the limit of disturbance line is the boundary line for construction efforts because this project is located on steep slopes and is in the Ridgeline Overlay district. If, during construction, it becomes necessary to disturb additional area the planning board engineer and/or planning board must grant approval for the additional area of disturbance. Special attention should be paid to large trees that may be at risk if the trees adjacent to it are removed.
15. The limits of disturbance should be shown on the same drawing as the existing trees to better understand the impact on the existing vegetation.
16. There are proposed trees shown on the drawing; a planting schedule, including species, size, and number should be added to the plan.
17. A planting detail must be added to the drawings for each type of planting being proposed.
18. There should be additional information on the plan relating to the restoration of the existing driveway that is being removed (e.g., removal of any material, 4-in. top soil, seeding, etc.).

19. If there are no NYSDEC wetlands, Federal wetlands, or FEMA Floodplains on the property, a note should be added to the plan stating this information.
20. Planning Board Planner to review line of sight profiles now provided on the plans.
21. The line-of-sight profile for Lot 2 shows a mature tree within the line of sight. If there are no existing trees between the proposed home and Denton Road, a line of sight should be added for the height of the tree at the time of planting and then a note added stating what the estimated height after X-years will be for this species.
22. The language stated that it is an “abandoned town road” should be removed; Denton Lane is a private road.
23. The liber and page references should be noted for the existing 45-ft right-of-way.
24. What is the current condition of Denton Lane (e.g., width, drainage, etc.); are any proposed improvements required or proposed (e.g., paving or widening of the existing roadway)?
25. The contours are not clearly shown along Denton Lane; what is the grade of this road, there appears to be portions that are 15%.
26. A copy of the private driveway maintenance agreement should be submitted.
27. Are easements required because the existing Denton Lane is not located on the Applicant’s property (31-2-30.21) or is the existing 45-ft ROW sufficient?
28. There is a drainage pipe shown under the common driveway near Lot 2. Does this pipe lead to the pond, away from the pond, what are the elevations, flows, and maintenance responsibilities?
29. The proposed driveway to the existing home now goes to the opposite side of the home; is there no garage on this home? Where is the front door? Does the driveway need to be reconfigured?
30. The driveway cross-section appears to show a 24” depth of pavement; the applicant may wish to revise this detail.
31. The profile for the Lot 2 proposed driveway 2 is shown at 9.97%; a note should be added to the plan stating if the applicant proposed to pave this driveway in its entirety.
32. The stormwater management measures to control the drainage along both new driveways, including what they drain into must be shown on the drawing.
33. Letters should be sent to emergency services (ambulance, police, and fire department); the total length of driveway from Ackerman Road is approximately 1,800-ft for Lot 1 and 2,500-ft for Lot 2.
34. Application to provide 9-1-1- addressing.
35. The declaration information for the Agricultural and Ridgeline Notes will need to be shown on the drawing.
36. Surveyor to certify that iron rods have been set at all property corners.
37. Payment of recreation fees.
38. Payment of all fees.

The following comment submitted by the Conservation Board:

Carroll Equipment / Steve Saufroy 2-Lot Subdivision – None submitted.

The following comment submitted by the ARB:

Carroll Equipment / Steve Saufroy 2-Lot Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has been acting as Lead Agency on this application. We have been reviewing it with the short EAF. We are in the process of gathering information. There are several SEQR comments listed in the review comments tonight.

Comment #2: Applicant to discuss project.

Ernie Johnson: We are proposing a 2-Lot subdivision off Denton Lane. Lot 1 would be a 4-acre parcel. Lot 2 would be a 6.41-acre parcel. Lot 2 has an existing dwelling located on the property. We would abandon part of the old driveway on Lot 1. We would create a new driveway for Lot 1.

Mr. Astorino: Ok. You will need to go back to the ZBA. The 280a ZBA variance that was granted on 10/27/08 has expired.

Connie Sardo: The applicant has submitted to the ZBA as of today.

Mr. Astorino: Ok. I don't think it pays to go through the rest of these comments at this point. We know that we have been out to the site. We all know about the site. Go and get your 280a ZBA variance and address the rest of these comments. Once you have done that, you could come back to us. We will go from there.

Connie Sardo: They will be on the 2/28/11 ZBA meeting.

Mr. Astorino: Ok. Once you receive your variance and address these comments, you could come back to us.

Laura Barca: Does the applicant want to go over any of these comments?

Ernie Johnson: Laura, from the time we visited with you; we changed the maps and addressed most of the comments. We are ready to go.

Laura Barca: Ok.

Connie Sardo: You will need to make a re-submittal to the Planning Board with those revised maps.

Ernie Johnson: Ok. I did submit new maps.

Connie Sardo: That was to the ZBA. You will need to submit 15 sets of the revised maps to the Planning Board with a cover letter explaining what you are submitting.

Ernie Johnson: Ok. Those will be into you by tomorrow.

Mr. Astorino: Ok. We will list comments 3 through 38 for the record.

Ernie Johnson: Thank you.

Comment #3: Conservation Board comments: pending

Comment #4: Architectural Review Board comments: pending

Comment #5: OCPD: pending

Comment #6: TW ZBA: 280(a) driveway access to a private road was granted 10/27/08 for 24 months; this approval has lapsed. A complete application must be submitted to the ZBA.

Comment #7: The Applicant may want to decrease the scale of the drawing (so that the site features appear larger); this map will eventually be filed with Orange County Clerk's Office and must conform to their requirements.

Comment #8: A separate plat sheet may be helpful to show the metes and bounds, easements, etc. for this proposed subdivision.

Comment #9: There appears to be contours shown through the pond; this should be corrected.

Comment #10: The proposed contours do be appear to be shown and need to be shown.

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Comment #13: The soil tests and septic design will need to be re-evaluated. The system is located in an area where the percolation test never stabilized. The design rate shown on Sheet 2 is 4.03 and 4.40 minutes but the stabilized rate in both cases was 5 minutes. The percolation rate used for the design (Sheet 3) was 6-7 minutes. This information should be clarified.

Comment #14: Add a note to the plan stating that the limit of disturbance line is the boundary line for construction efforts because this project is located on steep slopes and is in the Ridgeline Overlay district. If, during construction, it becomes necessary to disturb addition area the planning board engineer and/or planning board must grant approval for the additional area of disturbance. Special attention should be paid to large trees that may be at risk if the trees adjacent to it are removed.

Comment #15: The limits of disturbance should be shown on the same drawing as the existing trees to better understand the impact on the existing vegetation.

Comment #16: There are proposed trees shown on the drawing; a planting schedule, including species, size, and number should be added to the plan.

Comment #17: A planting detail must be added to the drawings for each type of planting being proposed.

Comment #18: There should be additional information on the plan relating to the restoration of the existing driveway that is being removed (e.g., removal of any material, 4-in. top soil, seeding, etc.).

Comment #19: If there are no NYSDEC wetlands, Federal wetlands, or FEMA Floodplains on the property, a note should be added to the plan stating this information.

Comment #20: Planning Board Planner to review line of sight profiles now provided on the plans.

Comment #21: The line-of-sight profile for Lot 2 shows a mature tree within the line of sight. If there are no existing trees between the proposed home and Denton Road, a line of sight should be added for the height of the tree at the time of planting and then a note added stating what the estimated height after X-years will be for this species.

Comment #22: The language stated that it is an "abandoned town road" should be removed; Denton Lane is a private road.

Comment #23: The liber and page references should be noted for the existing 45-ft right-of-way.

Comment #24: What is the current condition of Denton Lane (e.g., width, drainage, etc.); are any proposed improvements required or proposed (e.g., paving or widening of the existing roadway)?

Comment #25: The contours are not clearly shown along Denton Lane; what is the grade of this road, there appears to be portions that are 15%.

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Comment #34: Application to provide 9-1-1- addressing.

Comment #35: The declaration information for the Agricultural and Ridgeline Notes will need to be shown on the drawing.

Comment #36: Surveyor to certify that iron rods have been set at all property corners.

Comment #37: Payment of recreation fees.

Comment #38: Payment of all fees.

Other Considerations:

1. **Warwick Views, LLC.** – Letter from Kirk Rother, Engineer, dated 12/20/10 addressed to the Planning Board in regards to the Warwick Views Subdivision – requesting to be on the January 10, 2011 planning board workshop to discuss the Planning Board’s position on Karst and to advise as to any suggested modifications to the Community Septic Cluster Alternative. Planning Board has now received January 24, 2011 HDR letter. Planning Board to advise Applicant on how to proceed with SEQRA process.

Mr. Astorino: The bottom line is that the Applicant’s Engineer has sent a letter to the Planning Board today, 2/7/11. The letter is stated as follows:

Dear Mr. Astorino and Planning Board:

As you are aware, the above referenced matter was scheduled to appear on the Wednesday, February 2, 2011 Planning Board agenda. Due to inclement weather, that meeting has been rescheduled for tonight. It has become apparent that due to scheduling conflicts on our end, we do not have a representative from the Warwick Views Team available to attend tonight’s meeting. Accordingly, we ask that this matter be tabled to the March 2, 2011 Planning Board agenda. Please feel free to contact me with any questions.

Respectfully,

Kirk Rother, P.E.

Mr. Astorino: Tonight there is not anyone here representing the Warwick Views Subdivision. We will put Warwick Views on the March 7, 2011 Work Session. We do have correspondences 1 through 8 that have been submitted for the record. The correspondences that the Planning Board received are as follows:

1. *Letter from Assemblywoman, Annie Rabbitt, addressed to Acting Commissioner, Peter Iwanowicz, NYSDEC, dated 12/28/10 and a Letter from Paul Rubin, HydroQuest & Katherine Beinkafner, Ph.D., Mid-Hudson Geosciences, dated 12/21/10 – in regards to the Warwick Views Subdivision – Karst Hydrology, Related Environmental Concerns and a Request for Assistance.*
2. *Letter from John Cappello, Attorney Jacobowitz & Gubits, LLP., dated 1/13/11 addressed to Assemblywoman Annie Rabbitt and to Peter Iwanowicz, NYSDEC – in regards to Warwick Views Subdivision.*
3. *Letter from Planning Board Chairman, Benjamin Astorino addressed to Mr. Ed Simms, Bureau of Sanitary Engineering OCHD, dated 1/20/11 in regards to Karst Geology in the Town of Warwick.*
4. *Letter from Paul Rubin, HydroQuest & Katherine J. Beinkafner, Ph.D. from Mid-Hudson Geosciences, dated 1/20/11 received on 1/24/11 addressed to the Planning Board in regards to the Warwick Views Subdivision.*
5. *HDR Telephone Record, dated 1/19/11 a call from Laura Barca to Jim Garry, NYSDEC Hydrogeologist – in regards to the Warwick Views Subdivision.*

6. *Letter to Chairman Benjamin Astorino & Planning Board, dated 1/21/11 from Michael D. Lehtinen, P.G., LEP / HDR Director of Hydrogeology – in regards to the Warwick Views Subdivision – significant Karst Features & Mitigating Measures.*
7. *Letter from Assemblywoman Annie Rabbitt, dated 1/31/11 addressed to Supervisor Michael Sweeton - in regards to the Warwick Views Subdivision.*
8. *Letter from Alexander Ciesluk, NYSDEC, dated 2/1/11 addressed to the Planning Board – in regards to the Warwick Views Subdivision.*

Mr. Astorino: Just to let the Planning Board know that we received from Mr. Paul Rubin and he emailed to Connie a correspondence from Senator David Carlucci, dated 1/19/11. The letter is stated as follows: *“Please consider using an independent hydrologist based on the information in the attached documents. If you have any questions or concerns, please feel free to contact my office at your earliest convenience”*. The attached documents were from Mr. Paul Rubin, HydroQuest and Katherine Beinkafner, Ph.D. I contacted Senator Carlucci’s office. I spoke to Senator Carlucci. He had the reports from Paul Rubin and Katherine Beinkafner. He did not have the reports from the Applicant’s professional, Mr. Tom Cusack or from our independent Hydrogeologist. Connie has sent that information to Senator Carlucci. He said to me that he is not a Karst Specialist. He would be happy to review the documents. That is what he is in the process of doing now. That was my conversation with Senator Carlucci in a nutshell. He did not have all the facts in front of him. Now, he has all the facts in front of him. What he does with that will be up to him. Regarding the DEC, Ted and Laura, they are an involved agency. Is that correct?

Mr. Fink: Yes.

Mr. Astorino: They have sent us a correspondence. They have all the reports and documents. We requested a decision from the DEC sooner than later. Is that correct?

Laura Barca: Yes.

Mr. Astorino: The DEC is in the process of giving us their decision.

Laura Barca: Yes. They are in the process of conducting their review.

Mr. Astorino: Right. That is pretty much all we have right now. Do any Planning Board members or Professionals have any comments? We will put Warwick Views on the 3/7/11 Work Session. Hopefully by that time we will have a few more answers. As of now, that is it.

2. **Meadowbrook Farms / Nop #2 Sectionalizing Plan** – Letter from Dave Higgins, Lanc & Tully Engineering, dated 12/6/10 addressed to the Planning Board in regards to the Meadowbrook Farms/Nop #2 Sectionalizing Plan Subdivision – requesting for 1st 6th Month Extensions on Preliminary Approval for filing a 35-Lot cluster subdivision in Sections and Final Approval for Section I to consist of a proposed 24-Lot cluster subdivision, situated on tax parcels SBL #29-1-63 & 65.12; parcels located on the northwestern side of Union Corners Road across from Sargent Road, in the RU/AI zones of the Town of Warwick. Preliminary and Final Approval was granted on 7/21/10. *The applicant has stated that they are working with the applicant's attorney to coordinate the legal documents for filing with the Planning Board's Attorney and to allow the time for the applicant to be able to meet all of the conditions of the approval.* The 1st 6-Month Extension becomes effective on, 1/21/11.

Mr. McConnell makes a motion on the Meadowbrook Farms / Nop #2 Sectionalizing Plan, granting a 6th Month Extension on Preliminary Approval for filing a 35-Lot cluster subdivision in Sections and Final Approval for Section I to consist of a proposed 24-Lot cluster subdivision. SBL # 29-1-63 & 29-1-65.12. Preliminary and Final Approval was granted on 7/21/10. The 6th Month Extension becomes effective on, 1/21/11.

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

3. **Fusco Subdivision** – Letter from Dave Higgins, Lanc & Tully Engineering, dated 12/6/10 addressed to the Planning Board in regards to the Fusco Subdivision – requesting for 1st 6th Month Extension on Final Approval and Special Use Permit for a proposed 12-Lot + 1-Affordable Home cluster subdivision, situated on tax parcel SBL # 18-1-31.2; parcel located on the south side of Taylor Road with Jessup Road, in the RU zone, of the Town of Warwick. Final Approval was granted on 7/21/10. *The applicant has stated that their attorney has been working to coordinate legal documents for filing with the Planning Board's Attorney, as well as meet the remaining conditions of approval. The applicant's professionals expect to be in contact with the Planning Board's Attorney within the next few weeks to review the documents and hope to be in position to file the subdivision shortly thereafter.* The 1st 6-Month Extension becomes effective on, 1/21/11.

Mr. McConnell: John, the applicant has stated that their attorney has been working to coordinate legal documents for filing with the Planning Board's Attorney. Could you explain that to me?

Mr. Bollenbach: He had asked for some samples of the HOA. I have provided him copies of that. He is in the process of drafting them and returning them for my review.

Mr. McConnell: Do you recall when that request of the response was?

Mr. Bollenbach: I think that was pretty close to the date of the original approval.

Mr. McConnell: Do you think that was last July or August?

Mr. Bollenbach: I know that it has been awhile.

Mr. McConnell: Maybe, you could follow up with them on that.

Mr. Bollenbach: Yes. I will give them a call.

Mr. McConnell makes a motion on the FUSCO Subdivision, granting a 6th Month Extension on Conditional Final Approval and Special Use Permit for a proposed 12-Lot + 1-Affordayle Home cluster subdivision. SBL # 18-1-31.2. Final Approval was granted on 7/21/10. The 6th Month Extension becomes effective on, 1/21/11.

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

4. **Cedar Ridge Subdivision** – Letter from Kirk Rother, Engineer, dated 12/3/10 addressed to the Planning Board in regards to the Cedar Ridge Subdivision – requesting a 6th Month Extension on the 2nd Re-Approval of Final Approval of a proposed 36-Lot cluster subdivision, situated on tax parcel SBL # 7-2-51.2; parcel located along the south side of Wheeler Road approximately 1500 feet west of intersection with C.R. 41, in the RU zone, of the Town of Warwick. Final Approval was granted on, 7/16/08. 2nd Re-Approval of Final Approval was granted on, 7/21/10 became effective on, 7/16/10. The 6th Month Extension becomes effective on, 1/16/11.

Mr. Kennedy makes a motion on the Cedar Ridge Subdivision, granting a 6th Month Extension on 2nd Re-Approval of Final Approval of a proposed 36-Lot cluster subdivision. SBL # 7-2-51.2. The 2nd Re-Approval of Final Approval was granted on, 7/21/10 became effective on, 7/16/10. The 6th Month Extension on 2nd Re-Approval of Final Approval becomes effective on, 1/16/11.

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

5. **Lands of Kirk Rother** – Letter from Kirk Rother, Engineer, dated 12/10/10 addressed to the Planning Board in regards to the Lands of Kirk Rother Subdivision – requesting a 6th Month Extension on 2nd Re-Approval of Final Approval of a proposed 2-Lot cluster subdivision, situated on tax parcel SBL # 42-1-110.4; parcel located on the western side of C.R. #1 1,885 feet north of Waterbury Road, in the RU zone, of the Town of Warwick. Final Approval was granted on, 7/16/08. The 2nd Re-Approval of Final Approval was granted on, 7/21/10 became effective on, 7/16/10. *The applicant has stated that since their last Re-Approval of Final Approval, they have begun working towards satisfying the conditions for final approval and is currently working on the legal documentation regarding the open space and right-of-way for submittal to the Planning Board's Attorney for his review.* The 6th Month Extension on 2nd Re-Approval of Final Approval becomes effective on, 1/16/11.

Mr. McConnell makes a motion on the Lands of Kirk Rother, granting a 6th Month Extension on 2nd Re-Approval of Final Approval of a proposed 2-Lot cluster subdivision. SBL # 42-1-110.4. The 2nd Re-Approval of Final Approval was granted on, 7/21/10 became effective on, 7/16/10. The 6th Month Extension on 2nd Re-Approval of Final Approval becomes effective on, 1/16/11.

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

6. **Lands of Brian Singer** – Letter from Kirk Rother, Engineer, dated 11/30/10 received on 12/13/10 addressed to the Planning Board in regards to the Brian Singer Subdivision – requesting a 6-Month Extension on Final Approval of a proposed 2-Lot subdivision, situated on tax parcel SBL # 66-1-75; parcel located on the western side of Briller Road 1000 feet south of Continental Road, in the CO zone, of the Town of Warwick. Final Approval was granted on, 6/2/10. *The applicant has stated that they are still in litigation with the former owner over the right-of-way. It is the applicant's hope that this matter will be resolved in the near future, which the applicable fees will be paid and other applicable conditions satisfied.* The 6-Month Extension becomes effective on, 12/2/10.

Mr. Bollenbach: We had a problem with this application that they were deficient in their escrow payment. The Code requires due diligence that the applicant is to keep all of this current.

Mr. Astorino: Connie, have you heard anything?

Connie Sardo: He gave me some money to pay the outstanding invoices for now.

Mr. Astorino: Is he paid up to date?

Connie Sardo: We could use some more money.

Mr. Astorino: Is he paid up to date?

Mr. Bollenbach: Does it cover the invoices that are currently there?

Connie Sardo: It covers the invoices that are currently there.

Mr. Bollenbach: Ok.

Mr. Astorino: They are good until we need more.

Mr. Kennedy makes a motion on the Lands of Brian Singer, granting a 6 Month Extension on Final Approval of a proposed 2-Lot subdivision, SBL # 66-1-75. Final Approval of the “Amendment of the Conditions” was granted on, 6/2/10. The 6-Month Extension becomes effective on, 12/2/10.

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

Mr. McConnell: This says its suggest something other than the escrow account. It says that it will be resolved in the near future, which the applicable fees will be paid.

Mr. Astorino: I'm sure there are more fees that has to be paid to us to satisfy the conditions of final approval.

Mr. McConnell: I guess this was what John was asking, we are not in a position where fees that are presently due haven't been paid.

Mr. Astorino: No. We are current right now. There will have to be more.

Mr. McConnell: I am trying to figure out the interaction between the litigation and the applicable fees. It seems like the fees won't be paid until after the litigation is satisfied.

Mr. Bollenbach: They were some of the conditions of the approval, payment of all fees, which would be parkland fees for an example. They were conditions of the approval. After the litigation is settled, that is when he plans to perfect his subdivision and file it.

Mr. McConnell: Ok.

7. **Workman-Mabee Lot Line Change** – Letter from Bill Nathans, Esq., dated 1/14/11 addressed to the Planning Board in regards to Workman-Mabee Lot Line Change application – requesting a 6th Month Extension on Conditional Final Approval of a proposed Lot Line Change, situated on tax parcels SBL # 47-1-87.212 & 84; parcels located on the southern side of Rabbit Hill Road 896.35 feet east of Lakes Road, in the MT zone. Conditional Final Approval was granted on, 7/21/10. *The applicant's attorney has stated that the deed and declaration have been sent for recording to the O.C. Clerk. They are awaiting the filing date and recording information for the engineer to complete the maps.* The 6th Month Extension becomes effective on, 1/21/11.

Mr. McConnell makes a motion on the Workman-Mabee Lot Line Change application, granting a 6th Month Extension on Conditional Final Approval of a proposed Lot Line Change. SBL # 47-1-87.212 & 84. Conditional Final Approval was granted on, 7/21/10. The 6th Month Extension becomes effective on, 1/21/11.

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

8. **Planning Board Minutes of 12/15/10** – Planning Board Minutes of 12/15/10 for Planning Board's Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 12/15/10.

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

9. Planning Board to discuss cancelling the 2/16/11 Planning Board meeting due to no submittals submitted.

Mr. McConnell makes a motion to cancel the 2/16/11 Planning Board meeting.

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

Correspondences:

1. Letter from Assemblywoman, Annie Rabbitt, addressed to Acting Commissioner, Peter Iwanowicz, NYSDEC, dated 12/28/10 and a Letter from Paul Rubin, HydroQuest & Katherine Beinkafner, Ph.D., Mid-Hudson Geosciences, dated 12/21/10 – in regards to the Warwick Views Subdivision – Karst Hydrology, Related Environmental Concerns and a Request for Assistance.
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3. Letter from Planning Board Chairman, Benjamin Astorino addressed to Mr. Ed Simms, Bureau of Sanitary Engineering OCHD, dated 1/20/11 in regards to Karst Geology in the Town of Warwick.
4. Letter from Paul Rubin, HydroQuest & Katherine J. Beinkafner, Ph.D. from Mid-Hudson Geosciences, dated 1/20/11 received on 1/24/11 addressed to the Planning Board in regards to the Warwick Views Subdivision.
5. HDR Telephone Record, dated 1/19/11 a call from Laura Barca to Jim Garry, NYSDEC Hydrogeologist – in regards to the Warwick Views Subdivision.
6. Letter to Chairman Benjamin Astorino & Planning Board, dated 1/21/11 from Michael D. Lehtinen, P.G., LEP / HDR Director of Hydrogeology – in regards to the Warwick Views Subdivision – significant Karst Features & Mitigating Measures.
7. Letter from Assemblywoman Annie Rabbitt, dated 1/31/11 addressed to Supervisor Michael Sweeton - in regards to the Warwick Views Subdivision.
8. Letter from Alexander Ciesluk, NYSDEC, dated 2/1/11 addressed to the Planning Board – in regards to the Warwick Views Subdivision.

Mr. Astorino: We have correspondences 1 through 8 in our packets.

Privilege Of The Floor For Agenda Items!!

Mr. Astorino: If there is anyone in the audience wishing to address any of the agenda items, please rise and state your name for the record. Let the record show no public comment.

Mr. McConnell makes a motion to adjourn the February 7, 2011 Planning Board meeting.

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