

TOWN OF WARWICK PLANNING BOARD

February 17, 2016

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, February 17, 2016 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

**PUBLIC HEARING OF Robert Kubinec**

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

Representing the applicant: Chris Guddemi, LAN Associates

Connie Sardo: Mr. Chairman, we just received the certified mailings for the Kubinec public hearing.

Mr. Astorino: Thank you.

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: 09/25/13, advisory comments: ridgeline, agricultural, access, Appalachian Trail, and SEQRA form
6. OCDPW: 11/05/15 approval letter
7. The Building Department states that permits are required for roof repairs.
8. The Building Department states that there are currently 12-15 unregistered vehicles on property; this is not allowed in the Town of Warwick. As of 01/04/16 there are four unregistered vehicles on property.
9. The Building Department states that the abandoned cottage is not currently livable.
10. Metes and bounds must be shown one drawing sheet (a plat) with surveyor signature and seal.
11. Please add lot numbers to sheet SP.23.
12. Applicant needs to sign and date the Preliminary and Final Subdivision Application Forms and have the forms notarized.

13. Applicant to prepare and submit an Aquifer Impact Assessment; it is required for all Major Subdivisions. (Applicant requesting a waiver.)
14. The Applicant must prepare a visual EAF Addendum because construction is proposed within the Ridgeline Overlay District. (Applicant requesting waiver, lines of sight are included in drawing package.)
15. Applicant added a note to PF.10, PF.11, PF/12 and PF.13 that states “Vegetation shall be removed and maintained to provide proper sight distance.” However, actual areas of vegetation removal should be shown on the plans to make it clear to the developer what the limits of vegetation removal are.
16. Lot 4 has an existing septic system that is nonconforming; please see a suitable, confirming alternative location for a septic if this septic system fails.
17. Total Area to Be Disturbed listed in question 4 of the revised NOI (3.9 acres) does not correlate with the total area of disturbance listed on sheet SC.01 (2.91 acres).
18. Applicant to provide most recent version of NOI form.
19. Provide a map note stating that, “No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” (Sheet T.01).
20. Applicant shall also remove the Dry Swale section under III.A – Permanent Structures, if no swales are being proposed.
21. Applicant to provide response in NOI for question 25.
22. Tree protection barrier fences shall be identified on the erosion control details sheet, including installation method and materials.
23. Sheet SC.01 states that NYCDEP is required at the preconstruction kick-off meeting; Applicant to clarify people needed at the kick-off meeting. The construction sequence on the plan does not match the construction sequence in the SWPPP.
24. The Applicant must revise the text to reference the current version of the NYSDEC General Permit for Stormwater Discharges from Construction Activities, effective 01/29/15 and comply with the new requirements, including revisions to the NYS Stormwater Management Design Manual (January 2015), the new stormwater permit GP-0-15-002, and the revised Notice of Intent Form.
25. The applicant shall update the dates of disturbance in the NOI (currently proposing to end disturbance in December 2015).
26. The applicant shall confirm the maximum slope for area type #2 on sheet SC.01 (currently states 500%) and provide the shading to delineate the slopes are not included on the plan.
27. The applicant shall provide silt fence downhill of all construction activities. Currently, there is no silt fence downhill of the common driveway construction.
28. The applicant shall provide a clear, legible version of the Erosion Control Mat Detail on sheet SC.02.
29. The applicant shall provide a detail for soil stockpile protection and stabilization.
30. The applicant shall demonstrate on sheet SC.01 where the erosion control matting will be installed and identify areas of permanent seeding.
31. The applicant shall include dust control as a temporary structural measure per question 26 of the NOI, as it is discussed in Step 4 of the erosion and Sediment Control Schedule in section IV of the SWPPP.
32. The drainage on Lot 3 must extend past the septic system location and should have a level spreader at the outlet.
33. A level spreader should be shown at the outlet to the roof/leader drains..
34. A conservation easement (at least 10’ wide on both sides of the drainage way) should be placed over the existing drainage way leading from Lakes Road into Lot 2; this will provide a buffer area from future home owners.

35. A conservation easement (a 50' buffer from the top of bank on both sides of Trout Brook) must be shown on the plans to provide a buffer area from future home owners.
36. Erosion control must be shown to protect the drainage way from Lakes Road and the 50' stream buffer.
37. The driveway for Lot 2 shows an approximately 10' drop; Applicant to provide means to protect driver.
38. Provide a detail (cross-section) showing how the roof drain is connected to the drainage line, which is connected to the chamber structure.
39. Applicant to clarify if edges of the driveway are curbed; a curb detail is shown on Sheet CD.01.
40. Due to the potential for Indiana Bats being present, a note must be added to the plan that tree removal can only occur between October 01<sup>st</sup> and March 31<sup>st</sup>.
41. Conservation easement language/notes must be shown on the plans stating what is allowed or not allowed within the conservation easement.
42. Surveyor to certify that iron rods have been set at all property corners.
43. The declaration information for the conservation easement language must be shown on the plans.
44. The declaration for the aquifer protection and ridgeline overlay notes must be added to the plans.
45. Payment of parkland fees for three lots.
46. Payment of all fees.

The following comment submitted by the Conservation Board:

Robert Kubinec – None submitted.

The following comment submitted by the ARB:

Robert Kubinec – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: We have been reviewing the SEQRA documents based upon the short EAF. This was probably one of the last ones of the short EAF that was used before the new SEQRA EAF documents that came into effect in October of 2013. There were 2 principal issues that we looked at under SEQRA. One issue was the visual because it is located within the Ridgeline Overlay District. The Appalachian National Scenic Trail is close by to the site. The applicant has provided us with a Visual EAF Addendum. They have photographic documentation of the site. Based on the Visual EAF Addendum, it doesn't appear as if it would be visible from the Appalachian Trail or from the Sterling Forest State Park which is also close by. There are notes on the plans about the height of the proposed houses. That has all been incorporated into a draft Negative Declaration that I have prepared for the Board. The other thing is that it is not within the Town's Biodiversity Conservation Overlay District. But because of the location of it, it is actually within 3 other areas that have been designated by other agencies. It is within the Highlands Significant Biodiversity Area, Hudsonia, Ltd., conducted a Habitat Study of the Trout Brook and Watershed and the County's open space plan identifies this area as a potential wildlife corridor. This is what we looked at with David Griggs from ERS Consultants. They conducted such assessment in April of 2014. They identified some species on the site. The assessment found habitat for the Indiana Bat, an

Endangered Species on both New York State and Federal lists with on site potential roost trees. They also identified a couple of Raptors consisting of Red-shouldered hawk and Cooper's hawk. They were associated with a pond that was on a lot that was not going to be further developed. There were some recommendations that came out from the habitat assessment that was done. One was a prohibition on tree clearing between April 1<sup>st</sup> and October 31<sup>st</sup>. There was a recommendation on the areas identified as the "Limits of Disturbance" through deed restrictions of Lots 1 through Lot 3 on the proposed subdivision plans and to restrict future clearing on lot 2 to an area adjacent to the existing drainage swale leading to the Trout Brook. Use of native species for landscaping by the future owners; and avoidance of the use of fences that could restrict wildlife movements. The suggestion here was to put this into deed restrictions. We have these notes that have been put together for other properties within the Biodiversity Conservation Area. The recommendation is to include those on the subdivision plan. Other than that, I think there were a lot of water quality protection measures that were incorporated into the plan because of the presence of the Trout Brook on the site. That pretty much covers it. I have prepared a draft Negative Declaration for the Board's consideration.

Comment #2: Applicant to discuss project.

Chris Guddemi: I am from LAN Associates & Engineering. I am here on behalf of the Applicant, Mr. Kubinec. The application is for a proposed 4-Lot subdivision, situated on the eastern side of Lakes Road. The property contains about 29 acres of land. It is located in the MT zone. We had done the sight distance for proposed Lot 3. Due to sight distance constraints, they will share the existing driveway opening on proposed Lot 4. Proposed Lots 1 and 2 would be accessed by new driveway openings along Lakes Road. Because Lakes Road is a County Highway, the OCDPW has jurisdiction for reviewing and approving driveway openings. We have worked closely with the OCDPW through the application process. We have received OCDPW approval for each of those driveway openings. The applicant is proposing to create 3 new single-family residential building lots. The 4<sup>th</sup> lot would be retained by Mr. Kubinec and it includes his principal residence as well as accessory structures. Each lot and the improvements conform to the existing Zoning Regulations and no variances are sought. As Ted had mentioned, the Trout Brook bisects the property. It flows in a northerly direction. This Brook is protected by the NYSDEC jurisdiction. It has been assigned a 50-foot repairing buffer. All proposed improvements are situated to the west of the stream between the stream and Lakes Road. There is no proposed water disturbance to the water course or to the 50-foot buffer. I would be happy to answer any questions that anyone has.

Comment #3: Conservation Board comments: pending

Comment #4: Architectural Review Board comments: pending

Comment #5: OC Planning Department: 09/25/13, advisory comments: ridgeline, agricultural, access, Appalachian Trail, and SEQRA form

Comment #6: OCDPW: 11/05/15 approval letter

Mr. Astorino: We took care of that. Chris, are there any comments here tonight that you would like to discuss? These are all the same comments that we will make as conditional of final approval.

Chris Guddemi: No.

Mr. Bollenbach: Ben, do you want to include Comment #6? Do we have an approval on that already?

Mr. Astorino: We have an approval letter from OCDPW. Laura, is that correct?

Laura Barca: Yes.

Mr. Bollenbach: Ok. We can strike Comment #6.

Mr. Astorino: Ok. We will list Comments 7 through 46 for the record. Do any Board members or Professionals have any comments?

Mr. McConnell: Where is Ponderosa Lane?

Chris Guddemi: It is Mr. Kubinec's existing private driveway.

Mr. McConnell: Ok.

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

Comment #8: The Building Department states that there are currently 12-15 unregistered vehicles on property; this is not allowed in the Town of Warwick. As of 01/04/16 there are four unregistered vehicles on property.

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

Comment #10: Metes and bounds must be shown one drawing sheet (a plat) with surveyor signature and seal.

Comment #11: Please add lot numbers to sheet SP.23.

Comment #12: Applicant needs to sign and date the Preliminary and Final Subdivision Application Forms and have the forms notarized.

Comment #13: Applicant to prepare and submit an Aquifer Impact Assessment; it is required for all Major Subdivisions. (Applicant requesting a waiver.)

Comment #14: The Applicant must prepare a visual EAF Addendum because construction is proposed within the Ridgeline Overlay District. (Applicant requesting waiver, lines of sight are included in drawing package.)

Comment #15: Applicant added a note to PF.10, PF.11, PF/12 and PF.13 that states "Vegetation shall be removed and maintained to provide proper sight distance." However, actual areas of vegetation removal should be shown on the plans to make it clear to the developer what the limits of vegetation removal are.

Comment #16: Lot 4 has an existing septic system that is nonconforming; please see a suitable, confirming alternative location for a septic if this septic system fails.

Comment #17: Total Area to Be Disturbed listed in question 4 of the revised NOI (3.9 acres) does not correlate with the total area of disturbance listed on sheet SC.01 (2.91 acres).

Comment #18: Applicant to provide most recent version of NOI form.

Comment #19: Provide a map note stating that, "No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." (Sheet T.01).

Comment #20: Applicant shall also remove the Dry Swale section under III.A – Permanent Structures, if no swales are being proposed.

Comment #21: Applicant to provide response in NOI for question 25.

Comment #22: Tree protection barrier fences shall be identified on the erosion control details sheet, including installation method and materials.

Comment #23: Sheet SC.01 states that NYCDEP is required at the preconstruction kick-off meeting; Applicant to clarify people needed at the kick-off meeting. The construction sequence on the plan does not match the construction sequence in the SWPPP.

Comment #24: The Applicant must revise the text to reference the current version of the NYSDEC General Permit for Stormwater Discharges from Construction Activities, effective 01/29/15 and comply with the new requirements, including revisions to the NYS Stormwater Management Design Manual (January 2015), the new stormwater permit GP-0-15-002, and the revised Notice of Intent Form.

Comment #25: The applicant shall update the dates of disturbance in the NOI (currently proposing to end disturbance in December 2015).

Comment #26: The applicant shall confirm the maximum slope for area type #2 on sheet SC.01 (currently states 500%) and provide the shading to delineate the slopes are not included on the plan.

Comment #27: The applicant shall provide silt fence downhill of all construction activities. Currently, there is no silt fence downhill of the common driveway construction.

Comment #28: The applicant shall provide a clear, legible version of the Erosion Control Mat Detail on sheet SC.02.

Comment #29: The applicant shall provide a detail for soil stockpile protection and stabilization.

Comment #30: The applicant shall demonstrate on sheet SC.01 where the erosion control matting will be installed and identify areas of permanent seeding.

Comment #31: The applicant shall include dust control as a temporary structural measure per question 26 of the NOI, as it is discussed in Step 4 of the erosion and Sediment Control Schedule in section IV of the SWPPP.

Comment #32: The drainage on Lot 3 must extend past the septic system location and should have a level spreader at the outlet.

Comment #33: A level spreader should be shown at the outlet to the roof/leader drains..

Comment #34: A conservation easement (at least 10' wide on both sides of the drainage way) should be placed over the existing drainage way leading from Lakes Road into Lot 2; this will provide a buffer area from future home owners.

Comment #35: A conservation easement (a 50' buffer from the top of bank on both sides of Trout Brook) must be shown on the plans to provide a buffer area from future home owners.

Comment #36: Erosion control must be shown to protect the drainage way from Lakes Road and the 50' stream buffer.

Comment #37: The driveway for Lot 2 shows an approximately 10' drop; Applicant to provide means to protect driver.

Comment #38: Provide a detail (cross-section) showing how the roof drain is connected to the drainage line, which is connected to the chamber structure.

Comment #39: Applicant to clarify if edges of the driveway are curbed; a curb detail is shown on Sheet CD.01.

Comment #40: Due to the potential for Indiana Bats being present, a note must be added to the plan that tree removal can only occur between October 01<sup>st</sup> and March 31<sup>st</sup>.

Comment #41: Conservation easement language/notes must be shown on the plans stating what is allowed or not allowed within the conservation easement.

Comment #42: Surveyor to certify that iron rods have been set at all property corners.

Comment #43: The declaration information for the conservation easement language must be shown on the plans.

Comment #44: The declaration for the aquifer protection and ridgeline overlay notes must be added to the plans.

Comment #45: Payment of parkland fees for three lots.

Comment #46: Payment of all fees.

Mr. Astorino: This is a public hearing. If there is anyone in the audience wishing to address the Kubinec subdivision, please rise and state your name for the record.

Yvette Garcia: I would like to know where those houses are going to be. My house is located right across the street. Would drilling wells for those homes affect other wells?

Mr. Astorino: Chris, could you show Ms. Garcia where the homes are proposed on the map?

Chris Guddemi shows the proposed subdivision plans to Ms. Garcia and explains where the proposed homes are to be located.

Yvette Garcia: How does that affect the water table with well drilling? As it stands right now, when we have a really dry season the water gets really low.

Mr. Astorino: How long has your house been there?

Yvette Garcia: My house has been there 48 years.

Mr. Astorino: Ok. As long as they meet the Zoning requirements, they have the right to put in an X number of homes as long as they meet the requirements which they do. I can't guarantee when they dig a well for each home that is what is required, it is not large enough for them to do test sites if it would be a larger subdivision. I am sure there is water in that area especially where Mr. Kubinec is. I am not a well driller. I cannot sit here and guarantee that they would hit water at any level or depth or how deep your well is. There is nobody that could guarantee that. But they do meet the requirements of the Zoning Code.

Mr. McConnell: They would need to hit a certain amount of water.

Mr. Astorino: Yes. I believe it is 5 gpm.

Yvette Garcia: Right. I am concerned about that. I am also concerned about the driveways that would be coming out here. My mailboxes have been taken out every winter for the past 30 years.

Mr. Astorino: That is those plow drivers.

Yvette Garcia: No. It has been by cars. They usually wind up being upside down in my front yard.

Mr. Astorino: This application has gone to OCDPW. They had to approve the site.

Yvette Garcia: Ok.

Mr. Astorino: That is out of our hands. That is their jurisdiction coming out onto a County road. As Chris had pointed out, they had to go to OCDPW and address the concerns that they had and put the driveways in the spot that they required.

Chris Guddemi: We have 2 new proposed driveway openings here. Each one of these driveway openings meet the minimum sight distance requirements for the speed of that highway.

Mr. Astorino: They do have a sign off letter from OCDPW.

Yvette Garcia: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Kubinec subdivision? Let the record show no further public comment.

Mr. McConnell makes a motion for the Negative Declaration.

Seconded by Ms. Little. The following Resolution was carried 5-Ayes.  
617.12(b)

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

**Name of Action:** Kubinec Subdivision

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

**Whereas**, there are other involved agencies pursuant to SEQR, including the New York State Department of Environmental Conservation and Orange County Department of Public Works, and

**Whereas**, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 9/11/13, 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. Showalter. Motion carried; 5-Ayes.

Mr. Showalter makes a motion on the Robert Kubinec application, granting Preliminary Approval of a proposed 4-Lot subdivision, situated on tax parcel S 47 B 1 L 103.5; parcel located on the eastern side of P.C. Hwy 5 (Lakes Road) 3,600 feet north of Nelson Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on February 17, 2016.

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

Chris Guddemi: I would like to request from the Board a waiver of the Final Public Hearing.

Mr. Astorino: I don't see any of these comments changing. I believe everything is in order. How does the Board feel about waiving the Final Public Hearing?

Mr. Showalter makes a motion to waive the Final Public Hearing.

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

Mr. McConnell makes a motion to waive Comment #13 regarding the Aquifer Impact Assessment and Comment #14 regarding the Visual EAF Addendum line of sight.

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

Ms. Little makes a motion on the Robert Kubinec application, granting Final Approval of a proposed 4-Lot subdivision, situated on tax parcel S 47 B 1 L 103.5; parcel located on the eastern side of P.C. Hwy 5 (Lakes Road) 3,600 feet north of Nelson Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on February 17, 2016. Approval is granted subject to the following conditions:

1. The Building Department states that permits are required for roof repairs.
2. The Building Department states that there are currently 12-15 unregistered vehicles on property; this is not allowed in the Town of Warwick. As of 01/04/16 there are four unregistered vehicles on property.
3. The Building Department states that the abandoned cottage is not currently livable.
4. Metes and bounds must be shown one drawing sheet (a plat) with surveyor signature and seal.
5. Please add lot numbers to sheet SP.23.
6. Applicant needs to sign and date the Preliminary and Final Subdivision Application Forms and have the forms notarized.
7. Applicant to prepare and submit an Aquifer Impact Assessment; it is required for all Major Subdivisions. (Applicant requesting a waiver.) (WAIVED)
8. The Applicant must prepare a visual EAF Addendum because construction is proposed within the Ridgeline Overlay District. (Applicant requesting waiver, lines of sight are included in drawing package.) (WAIVED to 35 Feet)
9. Applicant added a note to PF.10, PF.11, PF/12 and PF.13 that states "Vegetation shall be removed and maintained to provide proper sight distance." However, actual areas of

vegetation removal should be shown on the plans to make it clear to the developer what the limits of vegetation removal are.

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12. Applicant to provide most recent version of NOI form.
13. Provide a map note stating that, "No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." (Sheet T.01).
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35. Conservation easement language/notes must be shown on the plans stating what is allowed or not allowed within the conservation easement.
36. Surveyor to certify that iron rods have been set at all property corners.
37. The declaration information for the conservation easement language must be shown on the plans.
38. The declaration for the aquifer protection and ridgeline overlay notes must be added to the plans.
39. Payment of parkland fees for three lots.
40. Payment of all fees.

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

Chris Guddemi: Thank you.

**PUBLIC HEARING OF George Brunjes**

Application for Site Plan Approval for the construction and use of a bridge and single-family residence located within "A Designated Protection Area" of Longhouse Creek, situated on tax parcel S 65 B 1 L 15.11; project located on the northern side of Buttermilk Falls Road (18 Buttermilk Falls Road) in the MT zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. George Brunjes, Applicant.

Connie Sardo: Mr. Chairman, we received the certified mailings for the Brunjes public hearing.

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – pending comments
4. Architectural Review Board – pending comments
5. OC Planning Department – 07/06/15; advisory comments for driveway length, area of disturbance, bridge, green infrastructure/runoff reduction
6. Building Department – 06/10/15 no violations
7. NYSDEC – 01/05/16 email from NYSDEC Joe Murray stating that the plan as proposed will meet permit issuance standards; SEQRA needs to be completed
8. A note shall be added to the plans stating that the contractor shall conduct his operations in such a manner as to prevent any damage to any stream from pollution by debris, sedimentation or other foreign material, or from the manipulation of equipment and/or materials in or near such streams.
9. Please add complete ZBA variance language on the plans (variance granted 07-27-15).
10. Cross-sections of the driveway at critical points shall be provided.
11. A pull-off must be located along the steeper section of the driveway.
12. The  $d_{50}$  listed on the Details sheet (3 of 4) is 12 inches, and the  $d_{50}$  in the drainage report (page 13 – Figure 5b.12 mark up) lists 0.4 feet. Applicant to revise detail sheet and subsequent calculations for outlet protection pad sizing; otherwise, justify increase in  $d_{50}$  rip rap diameter and revise drainage report.
13. Applicant to clarify the extent of the drainage area that flows into the back of the proposed house and the proposed driveway. A map shall be provided of the entire drainage area.
14. Applicant to provide means to protect the house from sheet-flow stormwater from higher on the hill. Applicant to demonstrate that proposed geometry of swales upgradient of proposed dwelling are sufficient to transport a minimum 10-yr design flow.
15. Applicant to provide means to protect the driveway from sheet-flow stormwater from higher on the hill. Applicant to demonstrate that proposed geometry of swales upgradient of proposed driveway are sufficient to transport a minimum 10-yr design flow.
16. Applicant to clarify how to prevent erosion of neighbor's property from the stormwater that will be routed around the driveway.
17. Applicant to provide additional information for the horizontal and vertical geometry of the proposed driveway. Applicant to provide calculations illustrating adequate stopping

sight distance along the driveway and intersection sight distance at the end of the driveway.

18. The declaration information for the Ridgeline Overlay must be added to the plans.
19. Proper language shall be added for a use and maintenance agreement for the private road (Buttermilk Falls Road).
20. Surveyor to certify that iron rods have been set at all property corners.
21. Payment of all fees.

The following comment submitted by the Conservation Board:

George Brunjes- None submitted.

The following comment submitted by the ARB:

George Brunjes- None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This project is subject to SEQRA. There were 2 primary issues which were the Ridgeline Overlay and the Town's Biodiversity Conservation Overlay Districts. The Applicant has in terms of Longhouse Creek proposed a bridge to cross the Longhouse Creek. They had to go through the DEC in order to get that. The State had put some restrictions on that because of the presence of rattlesnakes and bats within the area. There are protections that are in place that was put into the subdivision plan. In terms of the Town's Biodiversity Conservation Overlay District, we did receive a letter today from David Griggs, ERS Consultants that pertains to the project. That letter discusses the protections that would be put in place for the State's protected species of the Timber rattlesnakes and the Northern long eared bats. There would be restrictions on clearing and so forth. That would be in place and for the construction about fencing and so forth due to the rattlesnakes. As far as the Ridgeline Overlay, the property is coming off a Private Road. There are no public viewing locations that are actually relevant in this case. But in any case, the Applicant is proposing to plant a minimum of 15 evergreen trees along the proposed road where most of the grading and earthwork would occur. There would be notes on the Site Plan that would alert any future owner of the property if Mr. Brunjes sells the property. Those are all in place. They are all incorporated into a Negative Declaration.

Mr. Bollenbach: Ted, regarding those conservation measures they should probably also be included in the declaration.

Mr. Fink: Right.

Mr. Bollenbach: We could incorporate that with Comment # 18.

Dave Getz: Ok.

Comment #2: Applicant to discuss project.

Dave Getz: It is a vacant lot with about 16 acres. We all had done a site visit back in the summer. Since that site walk as Ted had explained, the Applicant had worked on getting a DEC permit. The condition of that permit is described in Comment #7. The DEC had

said the plans are satisfactory but they can't officially issue the permit until the Town completes its SEQRA process.

Comment #3: Conservation Board – pending comments

Comment #4: Architectural Review Board – pending comments

Comment #5: OC Planning Department – 07/06/15; advisory comments for driveway length, area of disturbance, bridge, green infrastructure/runoff reduction

Mr. Bollenbach: We have already addressed those issues.

Mr. Astorino: Yes.

Comment #6: Building Department – 06/10/15 no violations

Comment #7: NYSDEC – 01/05/16 email from NYSDEC Joe Murray stating that the plan as proposed will meet permit issuance standards; SEQRA needs to be completed

Mr. Astorino: We had just discussed that.

Comment #8: A note shall be added to the plans stating that the contractor shall conduct his operations in such a manner as to prevent any damage to any stream from pollution by debris, sedimentation or other foreign material, or from the manipulation of equipment and/or materials in or near such streams.

Dave Getz: Will do.

Comment #9: Please add complete ZBA variance language on the plans (variance granted 07-27-15).

Dave Getz: Ok.

Comment #10: Cross-sections of the driveway at critical points shall be provided.

Dave Getz: We will work that out with Laura.

Comment #11: A pull-off must be located along the steeper section of the driveway.

Dave Getz: Yes.

Mr. Showalter: Are we going 20 feet wide on that driveway like you had talked about?

George Brunjes: Yes.

Laura Barca: The comment is saying that a pull-off must be located along the steeper section of the driveway or the driveway should be widened to put in a turnaround.

Mr. Bollenbach: We will add to that comment to the Planning Board's engineer specifications.

Mr. Astorino: Yes. You guys could work out the final details.

Laura Barca: Ok.

Comment #12: The  $d_{50}$  listed on the Details sheet (3 of 4) is 12 inches, and the  $d_{50}$  in the drainage report (page 13 – Figure 5b.12 mark up) lists 0.4 feet. Applicant to revise detail sheet and subsequent calculations for outlet protection pad sizing; otherwise, justify increase in  $d_{50}$  rip rap diameter and revise drainage report.

Dave Getz: Yes. Comment #12 through #16 relate to drainage. We will work that out with Laura.

Mr. Astorino: We will list Comment #12 through #16 for the record.

Comment #13: Applicant to clarify the extent of the drainage area that flows into the back of the proposed house and the proposed driveway. A map shall be provided of the entire drainage area.

Comment #14: Applicant to provide means to protect the house from sheet-flow stormwater from higher on the hill. Applicant to demonstrate that proposed geometry of swales upgradient of proposed dwelling are sufficient to transport a minimum 10-yr design flow.

Comment #15: Applicant to provide means to protect the driveway from sheet-flow stormwater from higher on the hill. Applicant to demonstrate that proposed geometry of swales upgradient of proposed driveway are sufficient to transport a minimum 10-yr design flow.

Comment #16: Applicant to clarify how to prevent erosion of neighbor's property from the stormwater that will be routed around the driveway.

Comment #17: Applicant to provide additional information for the horizontal and vertical geometry of the proposed driveway. Applicant to provide calculations illustrating adequate stopping sight distance along the driveway and intersection sight distance at the end of the driveway.

Dave Getz: Ok. Will do.

Comment #18: The declaration information for the Ridgeline Overlay must be added to the plans.

Dave Getz: Ok.

Comment #19: Proper language shall be added for a use and maintenance agreement for the private road (Buttermilk Falls Road).

Dave Getz: Ok. That is in the works

Comment #20: Surveyor to certify that iron rods have been set at all property corners.

Dave Getz: We would ask the Board for a waiver on Comment #20. We discussed that at the site visit. They are not changing any property lines.

Mr. Astorino: That is true.

Dave Getz: It is just a site plan. It is not a subdivision or a lot line change.

Mr. Bollenbach: Are there any critical distances?

Dave Getz: No.

Mr. Astorino: John, there are not any out there.

Mr. McConnell: Do you mean critical distance because of setbacks?

Mr. Bollenbach: Yes. Critical distances are setbacks. It would be whatever you would need to have an actual delineation of the property line to conform to certain requirements. I don't see any with this application.

Mr. Astorino: Is the Board and Professionals ok with that? I don't see any problems.

Mr. McConnell: I am not sure why that comment is in there as a general rule? Is it for what John had indicated for critical distances?

Mr. Bollenbach: It is to memorialize where the property boundaries actually are.

Mr. McConnell: Right. Because some of these property lines are quite old. In that regard, I would prefer to have the iron pins set. Tell me why the applicant is asking for us to waive that?

Dave Getz: In this case, it is a large property. The house and driveway are not encroaching really close to property lines.

Mr. McConnell: They are not encroaching but they are touching somebody else's property line. If the reason for the comment is so that everybody now knows for sure where the property lines are on property lines that are old then those considerations are valid. But they are not the only considerations. That is what I am asking for. How long ago were these property lines set out?

George Brunjes: It was done back on September 26, 1975 by Ken Packer. He was the Surveyor at that time. He set the pins that do exist.

Mr. McConnell: Ok. There are pins located there.

George Brunjes: Yes.

Mr. McConnell: Ok. That answers my question. If there are pins there, they don't need to be recertified today.

Mr. Astorino: Ok. Do any Board members have any other comments? Seeing none, we will strike Comment #20.

Mr. Bollenbach: The Board would need to do a waiver for Comment #20.

Mr. Astorino:

Mr. McConnell makes a motion to waive Comment #20, the certification of iron rods to be set at all property corners.

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

Comment #21: Payment of all fees.

Dave Getz: Yes.

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

Mr. McConnell makes a motion for the Negative Declaration.

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

617.12(b)

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

**Name of Action:** Brunjes Site Plan

**Whereas**, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed single family house and a driveway including a bridge over the Longhouse Creek, Town of Warwick, Orange County, New York, and

**Whereas**, there are other involved agencies pursuant to SEQR, including the New York State Department of Environmental Conservation and Town of Warwick Zoning Board of Appeals, and

**Whereas**, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 6/3/15, 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 Ms. Little. Motion carried; 5-Ayes.

Ms. Little makes a motion on the George Brunjes application, granting Site Plan Approval for the construction and use of a bridge and single-family residence located within "A Designated Protection Area" of Longhouse Creek, situated on tax parcel S 65 B 1 L 15.11; project located on the northern side of Buttermilk Falls Road (18 Buttermilk Falls Road), in the MT zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on February 17, 2016. Approval is granted subject to the following conditions:

1. NYSDEC – 01/05/16 email from NYSDEC Joe Murray stating that the plan as proposed will meet permit issuance standards; SEQRA needs to be completed
2. A note shall be added to the plans stating that the contractor shall conduct his operations in such a manner as to prevent any damage to any stream from pollution by debris, sedimentation or other foreign material, or from the manipulation of equipment and/or materials in or near such streams.
3. Please add complete ZBA variance language on the plans (variance granted 07-27-15).
4. Cross-sections of the driveway at critical points shall be provided.
5. A pull-off must be located along the steeper section of the driveway to the Planning Board Engineer's specifications.
6. The  $d_{50}$  listed on the Details sheet (3 of 4) is 12 inches, and the  $d_{50}$  in the drainage report (page 13 – Figure 5b.12 mark up) lists 0.4 feet. Applicant to revise detail sheet and subsequent calculations for outlet protection pad sizing; otherwise, justify increase in  $d_{50}$  rip rap diameter and revise drainage report.
7. Applicant to clarify the extent of the drainage area that flows into the back of the proposed house and the proposed driveway. A map shall be provided of the entire drainage area.
8. Applicant to provide means to protect the house from sheet-flow stormwater from higher on the hill. Applicant to demonstrate that proposed geometry of swales upgradient of proposed dwelling are sufficient to transport a minimum 10-yr design flow.
9. Applicant to provide means to protect the driveway from sheet-flow stormwater from higher on the hill. Applicant to demonstrate that proposed geometry of swales upgradient of proposed driveway are sufficient to transport a minimum 10-yr design flow.
10. Applicant to clarify how to prevent erosion of neighbor's property from the stormwater that will be routed around the driveway.
11. Applicant to provide additional information for the horizontal and vertical geometry of the proposed driveway. Applicant to provide calculations illustrating adequate stopping sight distance along the driveway and intersection sight distance at the end of the driveway.
12. The declaration information for the Ridgeline Overlay and Conservation Measures must be added to the plans.
13. Proper language shall be added for a use and maintenance agreement for the private road (Buttermilk Falls Road).
14. Surveyor to certify that iron rods have been set at all property corners. (Waived).

15. Payment of all fees.

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

Dave Getz: Thank you.

George Brunjes: Thank you.

**Review of Submitted Maps:*****Continental View Estates***

Application for Sketch Plat Review of a proposed 4-Lot subdivision, situated on tax parcel S 55 B 1 L 93; parcel located on the southwestern side of State Route 17A 400 feet south of State Route 17A in the MT & CO zones, of the Town of Warwick. Original Conditional Final Approval was granted on 7/6/05.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Susan Ferro, Director of Winslow Therapeutic.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – pending comments
4. Architectural Review Board – pending comments
5. OC Planning Department – pending comments
6. TW Building Department – 01/27/16 open permits for roof (#18628), misc repairs (#19915), storage building (#24445), needs a fire inspection
7. The 911 address for Proposed Lot 4 should be updated to 1433 State Route 17A.
8. Town Planner has requested an updated endangered/threatened species letter from NYSDEC.
9. If the applicant is proposing 32-ft tall house in the Ridgeline overlay district, lines of sight must be completed or the house height must be reduced to 25-ft.
10. The Biodiversity Conservation Overlay District must be added to Sheet 3, Note 15.
11. The Limit of Disturbance Note must be added to the plans.
12. The lighting plan must be updated on Sheet 3, Note 11.
13. The Private Road notes must be added to the plan.
14. The notes for driveways greater than 10%, longer than 1000-ft, and/or flag lots.
15. Applicant requesting a waiver on Lot 1 because the 350-ft square does not fit within the proposed boundaries. Applicant states that this shape could be accommodated but would reduce land available to Winslow Therapeutic. Applicant to demonstrate need for waiver.
16. Applicant requesting a waiver on Lot 1 because the lot width is less than 300-ft; a 25% reduction is requested to 242-ft. Applicant to demonstrate need for waiver.
17. Applicant is requesting a waiver on Lot 2 because the stem of the flag lot exceeds the required length of 300-ft; requesting 415-ft). Applicant to demonstrate need for waiver.
18. Sheet 4, Stormwater Management Note (a) proposes the preservation of undisturbed areas. Applicant to clarify method of preservation.
19. Applicant to include a landscaping schedule, including species, size to be planted, and number proposed.
20. Applicant to show the USACE regulated wetlands on the plan.
21. Applicant to submit metes and bounds for the parcel proposed to be dedicated to the Town of Warwick for highway purposes (over Continental Road).
22. Applicant to clarify that the driveway to Lot 2 has a flattened portion before entering the garage for a vehicle to turn around.
23. Applicant to clarify if guiderail protection is necessary at the left-side entrance of the private road.

24. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”

25. The Applicant shall expunge the declarations that were already filed because the notes need to be updated.

26. The Ridgeline overlay notes, private road notes, and parcel to be dedicated to the Town must be filed in the Orange County Clerk’s Office and the declaration information must be added to the plans.

27. Payment of landscape bond.

28. Payment of Parkland fees for three lots.

29. Payment of all fees.

The following comment submitted by the Conservation Board:

Continental View Estates- None submitted.

The following comment submitted by the ARB:

Continental View Estates- None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board on the prior approval issued a Negative Declaration. At this point, the Negative Declaration should still be valid.

Mr. Astorino: That would be for everything that is listed in the SEQRA documents. Is that correct?

Mr. Fink: Yes. The only time that a Negative Declaration on a previous project like this is if there were some changes that were made between the old subdivision plan and the new one. I don’t believe that is the case here. It should still be valid at this point. I don’t think we need to do additional SEQRA on this project.

Mr. Astorino: Ok. Thank you.

Comment #2: Applicant to discuss project.

Dave Getz: We are back before the Board. The original project even though it received conditional final approval, it was never finalized. Some of the conditions were done but not all of them. The plans show the same layout of the driveway, houses, septic systems and property lines. The only physical changes we made are to show some plantings in conformance with the Town’s newer stormwater rules. Winslow would like to get the lots approved. It would not be for immediate sale or construction. It is just to have the assets if they need them.

Mr. Astorino: Laura, does the stormwater now comply with the new standards?

Laura Barca: Yes.

Comment #3: Conservation Board – pending comments

Comment #4: Architectural Review Board – pending comments

Comment #5: OC Planning Department – pending comments

Comment #6: TW Building Department – 01/27/16 open permits for roof (#18628), misc repairs (#19915), storage building (#24445), needs a fire inspection

Mr. Astorino: That is a place keeper for you.

Dave Getz: Were you aware of those?

Susan Ferro: We just put the storage building in. The other ones, we weren't aware of.

Mr. Bollenbach: Get in touch with the Building Department. Get them resolved.

Susan Ferro: Ok.

Comment #7: The 911 address for Proposed Lot 4 should be updated to 1433 State Route 17A.

Dave Getz: Ok.

Comment #8: Town Planner has requested an updated endangered/threatened species letter from NYSDEC.

Dave Getz: We are going to have Dave Griggs work on this. He will get you that letter.

Mr. Fink: Yes. That would confirm the prior Negative Declaration. If for instance all of a sudden something comes back new, then we might have to go back and amend the Negative Declaration.

Dave Getz: Ok.

Comment #9: If the applicant is proposing 32-ft tall house in the Ridgeline overlay district, lines of sight must be completed or the house height must be reduced to 25-ft.

Dave Getz: At this point, we are going to show 25-ft on the table. When they go to build a house if they want to change it, they would address it then.

Mr. Astorino: Let's put a note on the plan stating that.

Mr. Bollenbach: It is put in the standard notes not to exceed 25-ft. If they want to change that they would go through the Building Department unless the Planning Board has special conditions.

Mr. Astorino: They would have to do a Line-of-Sight.

Dave Getz: Ok.

Comment #10: The Biodiversity Conservation Overlay District must be added to Sheet 3, Note 15.

Dave Getz: Ok.

Comment #11: The Limit of Disturbance Note must be added to the plans.

Dave Getz: Ok.

Comment #12: The lighting plan must be updated on Sheet 3, Note 11.

Dave Getz: Is that just changing a note?

Laura Barca: Yes. It is just updating the note.

Dave Getz: Ok.

Comment #13: The Private Road notes must be added to the plan.

Dave Getz: Ok.

Comment #14: The notes for driveways greater than 10%, longer than 1000-ft, and/or flag lots.

Dave Getz: Ok.

Comment #15: Applicant requesting a waiver on Lot 1 because the 350-ft square does not fit within the proposed boundaries. Applicant states that this shape could be accommodated but would reduce land available to Winslow Therapeutic. Applicant to demonstrate need for waiver.

Dave Getz: That is really the case. Lot 1 is the first one on the left as you enter the property. Looking at the map, theoretically this is all of Winslow's property. Lot 4 we could have added a 350-ft square to that lot and make the lot conform. We would rather keep the lot the size it is which is about 5 acres and allow more land for the Winslow's operation.

Mr. McConnell: What does Winslow use that piece of the property for?

Susan Ferro: Looking at the map, right now we are not using too much of this. We are using more up here. It is a wooded area.

Mr. McConnell: Ok. What is the hardship created by meeting the square rule? If it is not really being used then why?

Dave Getz: That is as of today. But who knows what the future plan would be for trails for either pedestrians or horses.

Mr. McConnell: But you are not going to run a trail through those people back yards.

Dave Getz: A 350-foot square would come out something like this. It is quite a bit of an area.

Mr. McConnell: Is that right? Is that to scale roughly?

Dave Getz: Yes.

Mr. McConnell: I am not convinced.

Dave Getz: Looking at the map, this is Lot 1 and Continental Road. If we added this square to make Lot 5 maybe 7 or 8 acres instead of 5 acres, we would comply with the square rule.

Mr. Bollenbach: Dave, perhaps you could provide an aerial and put some thought to it to see what Winslow's future uses might be. I know that a lot of the Winslow area had been previously cleared for paddocks different areas for different structures. You might want to consider that to sway the Board.

Mr. McConnell: With what I am presented with here, I don't see that it is a real hardship.

Mr. Astorino: Was a waiver granted the last time?

Dave Getz: I would imagine so that it was.

Mr. Bollenbach: There have been changes to the square rule. We would have to take a look at it. But the square rule requirements I believe are different than what they were previously.

Mr. Astorino: Ok.

Dave Getz: We will provide more information on that.

Mr. Astorino: Ok.

Comment #16: Applicant requesting a waiver on Lot 1 because the lot width is less than 300-ft; a 25% reduction is requested to 242-ft. Applicant to demonstrate need for waiver.

Dave Getz: We will provide some back up information.

Comment #17: Applicant is requesting a waiver on Lot 2 because the stem of the flag lot exceeds the required length of 300-ft; requesting 415-ft). Applicant to demonstrate need for waiver.

Dave Getz: We will provide some back up information.

Mr. Astorino: But these were granted the last time. Is that correct?

Laura Barca: I wasn't here the last time. But the shape of the lot is exactly the same of what was approved. What the square rule or requirements were, I don't know.

Mr. Astorino: Let's dig back a little. I am sure that was discussed back then.

Mr. Bollenbach: Convince this Board.

Mr. Astorino: We will take a look back on this also.

Comment #18: Sheet 4, Stormwater Management Note (a) proposes the preservation of undisturbed areas. Applicant to clarify method of preservation.

Dave Getz: We will address that.

Comment #19: Applicant to include a landscaping schedule, including species, size to the planted, and number proposed.

Dave Getz: Ok.

Comment #20: Applicant to show the USACE regulated wetlands on the plan.

Dave Getz: We will add those.

Comment #21: Applicant to submit metes and bounds for the parcel proposed to the dedicated to the Town of Warwick for highway purposes (over Continental Road).

Dave Getz: Yes.

Comment #22: Applicant to clarify that the driveway to Lot 2 has a flattened portion before entering the garage for a vehicle to turn around.

Dave Getz: Yes.

Comment #23: Applicant to clarify if guiderail protection is necessary at the left-side entrance of the private road.

Dave Getz: Yes. I think we will be adding some guiderail.

Comment #24: Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained."

Dave Getz: Ok.

Comment #25: The Applicant shall expunge the declarations that were already filed because the notes need to be updated.

Dave Getz: Ok.

Comment #26: The Ridgeline overlay notes, private road notes, and parcel to be dedicated to the Town must be filed in the Orange County Clerk's Office and the declaration information must be added to the plans.

Dave Getz: Ok.

Comment #27: Payment of landscape bond.

Dave Getz: Yes. The biggest reason why the old subdivision wasn't finalized was because the cost for bonding and inspection fees related to the common driveway and some of the work

along Continental Road. We spoke to the Town Supervisor and he said that those bonds would become effective upon the sale of a lot and not at the time of the subdivision. I just wanted to clarify that was the case.

Mr. Astorino: We would need a memo from the Town Board.

Mr. Bollenbach: I have researched that and discussed it with the Supervisor. We have done this for other applications that were for non-profits and agricultural operations.

Dave Getz: Ok. The landscape bond sounds like that is a separate thing. Is that correct?

Mr. Bollenbach: Yes. That would be up to the Town Board as well.

Mr. Astorino: When we get that memo from the Town Board, we will add that to our notes.

Dave Getz: Ok.

Comment #28: Payment of Parkland fees for three lots.

Connie Sardo: The parkland fees were paid the last time around when they got their approval.

Dave Getz: Yes. That is right.

Mr. Astorino: Ok.

Mr. Bollenbach: Just add to that comment the date when those parkland fees were paid.

Dave Getz: Ok.

Comment #29: Payment of all fees.

Dave Getz: Ok.

Mr. Astorino: Do any Board members or Professionals have any comments? Does the applicant want to be set for a public hearing?

Dave Getz: Yes.

**Mr. Showalter makes a motion to set the Continental View Estates application for a Final Public Hearing at the next available agenda.**

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

Dave Getz: Thank you.

***Lands of Carol Sapanaro***

Application for Sketch Plat Review of a proposed 4-Lot Cluster (**Minor**) subdivision, situated on tax parcel S 31 B 2 L 48; parcel located on the north western side of Entin Terrace 1144± feet south west of Ackerman Road (15 Entin Terrace), in the RU zone, of the Town of Warwick. Previously discussed at the 3/11/15 Planning Board Meeting.

Representing the applicant: Kirk Rother, P.E.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – pending comment
4. Architectural Review Board – pending comments
5. OC Planning Department – 02/23/15 advisory comment to move house lower on the hill
6. TW Building Department – 01/16/15 open permit for pool (14922), open permit for shed (15076)
7. The Applicant is proposing 10.66 acres or 50.7% open space; the minimum open space required for a cluster subdivision (with no density bonus) is 50%.
8. The area of disturbance must be shown on Sheet1 as Note 13.
9. Applicant to consider a cul-de-sac / turnaround area where the four driveways intersect.
10. Applicant should consider a guiderail or equivalent along portions of driveways with steeper drop-offs.
11. Sheet 1, Driveway Note 4 must specifically state that no driveway shall exceed 15% slope and that the proposed driveway for Lot 4 will be paved in its entirety.
12. Applicant to add a driveway detail for any driveway that is required to be paved.
13. The entity responsible for the maintenance of the conservation easements (see §164-41.1.J(1)).
14. The language for what is allowed and/or what is not allowed in the conservation easement must be submitted, including the well on proposed lot 1 (see §164-41.1.J(2)).
15. A maintenance agreement acceptable to the Town of Warwick must be established between the owner and the conservation organization or the Town of Warwick to insure perpetual maintenance of the open space.
16. Provide a note of Sheet 1 with the 911 addresses of each proposed lot.
17. Applicant to add a note to the plan that no further subdivision of any lot is allowed.
18. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” (Sheet 1, Note 12).
19. Applicant to submit information on the private road access and maintenance agreement.
20. The declaration information for the Ridgeline Overlay notes must be added to the plans.
21. Surveyor must sign and seal the plat (Sheet 2).
22. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at all Open Space Area corners.
23. Payment of lieu of parkland fees per §75-3.A(2)(a)(3) for 3 lots.
24. Payment of all fees.

The following comment submitted by the Conservation Board:

Lands of Carol Sapanaro- None submitted.

The following comment submitted by the ARB:

Lands of Carol Sapanaro- None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This subdivision is subject to SEQRA. The Board declared itself Lead Agency. I believe there are comments about the Line-of-Sight profiles that we need. I know we had a comment from OCPL. We had addressed everything on that except for one recommendation on Lot #4. It was recommended that the Town review the house location with the applicant and if feasible, to move the house, septic and well to the flatter area approximately 180 feet south of its current location along the east property line. This wasn't a binding comment. It was a recommendation. It was a matter of local determination. There is a no need for a majority plus one vote if the Board does not agree with the County's recommendation. That was the only comment that the County had.

Comment #2: Applicant to discuss project.

Kirk Rother: This application is for a proposed 4-Lot subdivision on approximately 21-acres of land located on Entin Terrace. They are proposing a cluster subdivision with 3-new lots. They are not seeking to take advantage of the density bonus. They propose approximately 50% of open space. The Planning Board had done a site visit. What we spoke about at length was the location of house site Lot #4. I think the Board was comfortable with where it is proposed is satisfactory. If we were to move it south, I don't think there would be enough room between the property line and the gas line easement to fit the house's well and septic. If we were to move it west, we would basically be at the same contour elevation. You could see that on Sheet #3. We finished the soil testing with Laura's office back in August. We are hoping that the Board would be comfortable with setting it for a public hearing.

Comment #3: Conservation Board – pending comment

Comment #4: Architectural Review Board – pending comments

Comment #5: OC Planning Department – 02/23/15 advisory comment to move house lower on the hill

Comment #6: TW Building Department – 01/16/15 open permit for pool (14922), open permit for shed (15076)

Kirk Rother: I told Jeff about that. I will remind him again.

Comment #7: The Applicant is proposing 10.66 acres or 50.7% open space; the minimum open space required for a cluster subdivision (with no density bonus) is 50%.

Mr. Astorino: You met that one.

Comment #8: The area of disturbance must be shown on Sheet1 as Note 13.

Kirk Rother: Ok.

Comment #9: Applicant to consider a cul-de-sac / turnaround area where the four driveways intersect.

Kirk Rother: Jeff would rather not do a cul-de-sac if he can.

Mr. Astorino: Laura, what is your reason for that?

Laura Barca: For emergency access.

Kirk Rother: So knowing that Laura was going to come back with that, the Board may recall a subdivision right up on Cedar Lane. There were 2 driveways that peeled off. What we had done, we put a little connector between the 2 driveways. Basically, it created for what would be a way for EMS vehicles to turnaround.

Mr. Bollenbach: It is almost like a K-turnaround.

Kirk Rother: It is almost like a K-turnaround.

Laura Barca: As long as there is a turning radius for them to turn. That would be fine.

Mr. Astorino: I think that would work.

Kirk Rother: Ok.

Comment #10: Applicant should consider a guiderail or equivalent along portions of driveways with steeper drop-offs.

Kirk Rother: Yes.

Comment #11: Sheet 1, Driveway Note 4 must specifically state that no driveway shall exceed 15% slope and that the proposed driveway for Lot 4 will be paved in its entirety.

Kirk Rother: Ok.

Comment #12: Applicant to add a driveway detail for any driveway that is required to be paved.

Kirk Rother: Will do.

Comment #13: The entity responsible for the maintenance of the conservation easements (see §164-41.1.J(1)).

Kirk Rother: Yes.

Comment #14: The language for what is allowed and/or what is not allowed in the conservation easement must be submitted, including the well on proposed lot 1 (see §164-41.1.J(2)).

Kirk Rother: Ok.

Comment #15: A maintenance agreement acceptable to the Town of Warwick must be established between the owner and the conservation organization or the Town of Warwick to insure perpetual maintenance of the open space.

Kirk Rother: Ok.

Comment #16: Provide a note of Sheet 1 with the 911 addresses of each proposed lot.

Kirk Rother: Yes.

Comment #17: Applicant to add a note to the plan that no further subdivision of any lot is allowed.

Kirk Rother: Ok.

Comment #18: Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." (Sheet 1, Note 12).

Kirk Rother: Ok.

Comment #19: Applicant to submit information on the private road access and maintenance agreement.

Kirk Rother: Ok. Mr. Chairman, I am ok with the rest of the comments.

Mr. Astorino: Ok. We will list Comment #20 through Comment #24 for the record. Do any Board members or Professionals have any comments? Does the applicant wish to be set for a public hearing?

Kirk Rother: Yes.

**Mr. McConnell makes a motion to set the Lands of Carol Sapanaro application for a Final Public Hearing at the next available agenda.**

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

Kirk Rother: Thank you.

Comment #20: The declaration information for the Ridgeline Overlay notes must be added to the plans.

Comment #21: Surveyor must sign and seal the plat (Sheet 2).

Comment #22: Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at all Open Space Area corners.

Comment #23: Payment of lieu of parkland fees per §75-3.A(2)(a)(3) for 3 lots.

Comment #24: Payment of all fees.

**Other Considerations:**

1. **Pochuck Views Subdivision** – Letter from Dave Getz, Lehman & Getz Engineering, dated 1/27/16 addressed to the Planning Board in regards to the Pochuck Views Subdivision – requesting a 6-Month Extension on Preliminary Approval for filing a 5-Lot subdivision in Sections, situated on tax parcels SBL # 24-1-20.1 & 35; parcels located on the western side of Glenwood Road 3500 feet south of Newport Bridge Road, in the RU zone, of the Town of Warwick. Preliminary Approval on the Sectionalizing Plan was granted on 3/20/13. The 6-Month Extension becomes effective on 3/20/16.

Mr. McConnell makes a motion on the Pochuck Views Subdivision, granting a 6-Month Extension on Preliminary Approval for filing a 5-Lot subdivision in Sections, situated on tax parcels SBL #24-1-120.1 & 35; parcels located on the western side of Glenwood Road 3500 feet south of Newport Bridge Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. Preliminary Approval on the Sectionalizing Plan was granted on 3/20/13.

The 6-Month Extension on Preliminary Approval on the Sectionalizing Plan becomes effective on 3/20/16.

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

2. **Cedar Ridge Subdivision** – Letter from Kirk Rother, P.E., dated 1/4/16 addressed to the Planning Board in regards to the Cedar Ridge Subdivision – requesting a 6-Month Extension on 7<sup>th</sup> 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 the intersection with C.R. 41, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 7/16/08. *The Applicant has stated due to the current economic climate, the applicant is unable to satisfy the financial conditions associated with final approval, such as Parkland Fees and Road Bonds.* The 6-Month Extension on 7<sup>th</sup> Re-Approval becomes effective on 1/16/16.

Miss Little makes a motion on the Cedar Ridge Subdivision application, granting a 6-Month Extension on 7<sup>th</sup> Re-Approval of Final Approval of a proposed 36-Lot Cluster subdivision, SBL # 7-2-51.2. Conditional Final Approval was granted on 7/16/08.

The 6-Month Extension becomes effective on 1/16/16.

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

3. **Lands of Rother Subdivision** – Letter from Kirk Rother, P.E., dated 1/4/16 addressed to the Planning Board in regards to the Rother Subdivision – requesting a 6-Month Extension on 7<sup>th</sup> 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, 1885 feet north of Waterbury Road, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 7/16/08. *The Applicant has stated that they are near satisfying the conditions of approval and all that remains are the finalization of legal documents.* The 6-Month Extension on 7<sup>th</sup> Re-Approval of Final Approval becomes effective on 1/16/16.

Miss Little makes a motion on the Lands of Rother application, granting a 6-Month Extension on 7<sup>th</sup> Re-Approval of Final Approval of a proposed 2-Lot Cluster subdivision, SBL #42-1-110.4. Conditional Final Approval was granted on 7/16/08.

The 6-Month Extension becomes effective on 1/16/16.

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

4. Planning Board Minutes of January 20, 2016 for Planning Board Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 1/20/16.

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

5. Planning Board to discuss cancelling the 2/22/16 Work Session & 3/2/16 PB Meeting.

Mr. McConnell makes a motion to cancel the 2/22/16 Work Session & 3/2/16 PB Meeting.

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

### **Correspondences:**

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

Connie Sardo: No.

### **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 17, 2016 Planning Board Meeting.**

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