

TOWN OF WARWICK PLANNING BOARD

March 7, 2012

Members present: Chairman, Benjamin Astorino
Roger Showalter, Vice-Chairman
Dennis McConnell, Beau Kennedy,
Paul Ruskiewicz, Christine Little, 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, March 7, 2012 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 Edsall Farm, LLC.

Application for Final Approval of a proposed 4-Lot subdivision, situated on tax parcel S 2 B 2 L 35.22; parcel located on both sides of County Highway 88 west of C.R. 1, in the SL/AI zones, of the Town of Warwick, County of Orange, State of New York. The proposed subdivision was classified by the Town of Warwick Planning Board, acting as Lead Agency under the State Environmental Quality Review Act (SEQR), as an Unlisted Action. On January 18, 2012, the Planning Board issued a SEQR Negative Declaration on the action. Preliminary Approval was subsequently granted on January 18, 2012.

Representing the applicant: Anthony Trochiano, Pietrzak & Pfau Engineering. Bruce Katona, Applicant.

Connie Sardo: Mr. Chairman, we have just received the certified mailings for the Edsall Farm final 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: 12/05/11 – no comments
4. Architectural Review Board comments: pending
5. OCPD: 12/14/11 – no advisory comments
6. OCDPW: 02/14/12 – approval letter
7. The Applicant should update the Planning Board on the status of the cow barn removal.
8. The drawing should show the 9-1-1- addresses for all four lots that are being created in this subdivision.
9. Sheet 1 (callout and General Note 12) and Sheet 3 (callout) shall refer to Sheet 4 detail rather than TW common driveway specifications.

10. The surface treatment proposes what is a stone-and-tar surface (§137-18M Roads in Open-Development Areas) rather than pavement (§164-41.2K Conservation Density Subdivisions). Applicant is requested to pave Edsall Lane.
11. Applicant is requesting a waiver from the Planning Board to reduce the roadway width from 20-ft to 16-ft.
12. It should be made clear that the Applicant is paving Edsall Lane to the edge of his property.
13. The existing septic systems for Lots 1 and 2 should be shown.
14. Edsall Lane (Private Road) should be labeled with Liber 639, Page 514 on the drawing.
15. Sheet 1, Survey Note 13 provides a liber and page for a 20-ft wide right-of-way (ROW) that does not appear to be shown on the drawings; this ROW should be shown.
16. Sheet 1, Survey Note 14 describes a well and septic restriction as shown on filed map 80-99 (Brosnan). This restriction must be shown on the drawing and labeled.
17. For the portion of Lot 4 driveway that is not already constructed, the grading should be shown.
18. A turn-around should be provided for emergency services on Edsall Lane; the driveway for Lot 3 could be widened to serve this purpose. For a 36-ft fire truck, the turnaround should be 30-ft wide and 38-ft long.
19. Remove debris from the recent barn demolition (Building Department Permit No. 21661).
20. Remove debris from already collapsed former milk house.
21. Secure large barn (all accessible doors and windows must be boarded up so that minors under 18 years of age as well as vagrants and other trespassers are not able to enter the structure §67-3).
22. Metal barn needs to be secured with a gate or door.
23. The declaration information for the Aquifer Protection Overlay District and Agricultural Overlay District will need to be shown on the plan.
24. A shared driveway (Edsall Lane) easement and agreement must be prepared and submitted to the Town.
25. The surveyor prepared a letter stating that the iron pins have been set, but the Town of Warwick form needs to be completed.
26. Payment of parkland fees for two additional lots.
27. Payment of all fees.

The following comment submitted by the Conservation Board, dated 3/7/12:

Edsall Farm, LLC. – No further comments.

The following comment submitted by the ARB:

Edsall Farm, LLC. – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has already addressed SEQR. We have concluded that by issuing a Negative Declaration. The only reason to revoke SEQR is if there were any changes proposed in the plan that would cause an adverse impact. There are none. SEQR is complete.

Comment #2: Applicant to discuss project.

Anthony Trochiano: The plan is pretty much the same since the last meeting we had. It is still a proposed 4-Lot subdivision. Lot #1 will be the large farmhouse and the existing barn. That lot will be 3 acres. Across from County Highway 88 located off Edsall Lane will be Lot #2. That lot will be the smaller existing dwelling. That lot will be 1-1/2 acres. Lot #3 is a proposed building lot. That lot is located off Edsall Lane. Lot #4 will be the remaining land. That lot will be maintained the same way as it is now.

Mr. Astorino: Lot #4 is the PDR lot. Is that correct?

Anthony Trochiano: Yes.

Bruce Katona: Yes.

Anthony Trochiano: This plan is essentially the same plan. We just made minor revisions and notes. We have made some changes in the details.

Comment #3: Conservation Board comments: 12/05/11 – no comments

Comment #4: Architectural Review Board comments: pending

Comment #5: OCPD: 12/14/11 – no advisory comments

Comment #6: OCDPW: 02/14/12 – approval letter

Comment #7: The Applicant should update the Planning Board on the status of the cow barn removal.

Bruce Katona: The barn is down. The debris is in the process of being removed.

Mr. Astorino: Ok.

Mr. Bollenbach: Is that the small barn on the south side?

Bruce Katona: Yes.

Mr. Bollenbach: Ok.

Mr. Astorino: That barn is down. I have seen that.

Comment #8: The drawing should show the 9-1-1- addresses for all four lots that are being created in this subdivision.

Anthony Trochiano: No problem.

Comment #9: Sheet 1 (callout and General Note 12) and Sheet 3 (callout) shall refer to Sheet 4 detail rather than TW common driveway specifications.

Anthony Trochiano: We will revise that.

Comment #10: The surface treatment proposes what is a stone-and-tar surface (§137-18M Roads in Open-Development Areas) rather than pavement (§164-41.2K Conservation Density Subdivisions). Applicant is requested to pave Edsall Lane.

Anthony Trochiano: Yes.

Bruce Katona: It will be paved to up to the end of the existing Edsall Farm, LLC., property.

Laura Barca: Perfect.

Comment #11: Applicant is requesting a waiver from the Planning Board to reduce the roadway width from 20-ft to 16-ft.

Mr. Astorino: Do any Board members have any comment on that? I think it makes sense. You only have them for the 3 lots that are out there. I don't think that would be a problem.

Mr. McConnell: But, they were going to make the end of the driveway a little bit larger.

Mr. Astorino: We will get to that comment.

Mr. McConnell: Ok.

Comment #12: It should be made clear that the Applicant is paving Edsall Lane to the edge of his property.

Mr. Astorino: We discussed that.

Bruce Katona: We agree to that.

Comment #13: The existing septic systems for Lots 1 and 2 should be shown.

Anthony Trochiano: We will add that.

Comment #14: Edsall Lane (Private Road) should be labeled with Liber 639, Page 514 on the drawing.

Anthony Trochiano: It will be labeled.

Comment #15: Sheet 1, Survey Note 13 provides a liber and page for a 20-ft wide right-of-way (ROW) that does not appear to be shown on the drawings; this ROW should be shown.

Anthony Trochiano: Yes. It will be shown.

Comment #16: Sheet 1, Survey Note 14 describes a well and septic restriction as shown on filed map 80-99 (Brosnan). This restriction must be shown on the drawing and labeled.

Anthony Trochiano: It will be shown.

Comment #17: For the portion of Lot 4 driveway that is not already constructed, the grading should be shown.

Anthony Trochiano: It will be shown.

Comment #18: A turn-around should be provided for emergency services on Edsall Lane; the driveway for Lot 3 could be widened to serve this purpose. For a 36-ft fire truck, the turnaround should be 30-ft wide and 38-ft long.

Anthony Trochiano: We will provide that.

Comment #19: Remove debris from the recent barn demolition (Building Department Permit No. 21661).

Bruce Katona: Correct.

Mr. Bollenbach: That will be a condition of the approval. The maps won't be signed until it is removed.

Bruce Katona: We would get the Debris removed then call the Building Department for an inspection. Is that how that works?

Mr. Bollenbach: Correct.

Comment #20: Remove debris from already collapsed former milk house.

Bruce Katona: We will do that. We will call for an inspection for that at the same time.

Comment #21: Secure large barn (all accessible doors and windows must be boarded up so that minors under 18 years of age as well as vagrants and other trespassers are not able to enter the structure §67-3).

Bruce Katona: Will do.

Comment #22: Metal barn needs to be secured with a gate or door.

Bruce Katona: The gate was added.

Mr. Astorino: Ok. We can strike comment #22.

Comment #23: The declaration information for the Aquifer Protection Overlay District and Agricultural Overlay District will need to be shown on the plan.

Anthony Trochiano: Yes.

Comment #24: A shared driveway (Edsall Lane) easement and agreement must be prepared and submitted to the Town.

Bruce Katona: We will work with John Bollenbach and our attorney on that.

Comment #25: The surveyor prepared a letter stating that the iron pins have been set, but the Town of Warwick form needs to be completed.

Bruce Katona: It will be done.

Comment #26: Payment of parkland fees for two additional lots.

Bruce Katona: Yes.

Comment #27: Payment of all fees.

Bruce Katona: Yes.

Mr. Bollenbach: Add to comment #24, the recording information will be shown on the plan.

Mr. Astorino: Ok.

Bruce Katona: Ok.

Mr. Astorino: Do any Board members or Professionals have any comments or concerns?

Mr. McConnell: Did we have barbed wire around the residential lot at one point?

Mr. Astorino: I believe we have discussed that. They could have the barbed wire as long that it is used as a farm operation.

Mr. McConnell: Ok.

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

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

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

Mr. Ruskiewicz makes a motion on the Edsall Farm application, granting Final Approval was granted for a proposed 4-Lot subdivision, situated on tax parcel S 2 B 2 L 35.22; parcel located on both sides of County Highway 88 west of C.R. 1, in the SL/AI zones, of the Town of Warwick, County of Orange, State of New York. The proposed subdivision was classified by the Town of Warwick Planning Board, acting as Lead Agency under the State Environmental Quality Review Act (SEQR), as an Unlisted Action. On January 18, 2012, the Planning Board issued a SEQR Negative Declaration on the action. Preliminary Approval was subsequently granted on January 18, 2012. Final Approval is granted subject to the following conditions:

1. The drawing should show the 9-1-1- addresses for all four lots that are being created in this subdivision.

2. Sheet 1 (callout and General Note 12) and Sheet 3 (callout) shall refer to Sheet 4 detail rather than TW common driveway specifications.
3. Applicant shall pave Edsall Lane.
4. Applicant is requesting a waiver from the Planning Board to reduce the roadway width from 20-ft to 16-ft.
5. It should be made clear that the Applicant is paving Edsall Lane to the edge of his property.
6. The existing septic systems for Lots 1 and 2 should be shown.
7. Edsall Lane (Private Road) should be labeled with Liber 639, Page 514 on the drawing.
8. Sheet 1, Survey Note 13 provides a liber and page for a 20-ft wide right-of-way (ROW) that does not appear to be shown on the drawings; this ROW should be shown.
9. Sheet 1, Survey Note 14 describes a well and septic restriction as shown on filed map 80-99 (Brosnan). This restriction must be shown on the drawing and labeled.
10. For the portion of Lot 4 driveway that is not already constructed, the grading should be shown.
11. A turn-around should be provided for emergency services on Edsall Lane; the driveway for Lot 3 could be widened to serve this purpose. For a 36-ft fire truck, the turnaround should be 30-ft wide and 38-ft long.
12. Remove debris from the recent barn demolition (Building Department Permit No. 21661).
13. Remove debris from already collapsed former milk house.
14. Secure large barn (all accessible doors and windows must be boarded up so that minors under 18 years of age as well as vagrants and other trespassers are not able to enter the structure §67-3).
15. The declaration information for the Aquifer Protection Overlay District and Agricultural Overlay District will need to be shown on the plan.
16. A shared driveway (Edsall Lane) easement and agreement must be prepared and submitted to the Town with Recording Information shown on the plan.
17. The surveyor prepared a letter stating that the iron pins have been set, but the Town of Warwick form needs to be completed.
18. Payment of parkland fees for two additional lots.
19. Payment of all fees.

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

Bruce Katona: Thank you.

Anthony Trochiano: Thank you.

Review of Submitted Maps:***Bellvale Community Forest c/o Church Communities of NY, Inc.***

Application for Site Plan Approval for a Timber Harvest Permit of a Non-Commercial Forest stand improvement, situated on tax parcels S 47 B 1 L 2.2, & 100; project located on the eastern side of Bellvale Lakes Road 200 feet north of Rabbit Hill Road, in the MT zone.

Representing the applicant: Dave Mercer, 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 – pending submittal
6. Planning Board may want to schedule a site inspection to see the project site.
7. §164-47.10.D.(2) exempts Forestry that is conducted in a manner consistent with the timber harvesting guidelines, as defined by NYSDEC. Landing areas and log haul roads are subject to §164-47.10. If Applicant is in compliance with NYSDEC Best Management Practices, Applicant is considered to be in compliance with §164-47.10.
8. It is noted for the record that a stabilized construction entranceway is not required because there is no entrance/exit onto a roadway; all logging roads will be managed internally.
9. The individuals responsible for the logging must sign a notarized letter stating that they have read and understanding Town of Warwick Town Code §150 and agreement to comply with NYSDEC Forestry Best Management Practices for Water Quality. We have received copy of statement; this needs to be notarized.
10. During timber harvest operations, a weekly report must be completed and submitted the following week to the Planning Board Engineer. The weekly report must contain the following information (an example is included in **Attachment 1**):
 - a. Number and species of trees removed from site.
 - b. Identify if trees are sawtimber, firewood, or cull.
 - c. Estimate of sawtimber removal in board feet.
 - d. Estimate of firewood removal in cord.
11. The following notes and information must be prepared and signed by the individuals responsible for the logging operations:
 - a. No trees will be stored within 25-ft of municipal roads.
 - b. Work will not be conducted when the weather (e.g., rain, snow/ice, etc.) does not permit working without causing excessive erosion or rutting of the log roads.
 - c. All work must be conducted in compliance with New York State Department of Environmental Conservation Best Management Practices.
 - d. All work must be in compliance with Town of Warwick Town Code §164-47.10.
 - e. Skids trails will not exceed a slope of 25% for a distance greater than 300-ft.
 - f. Water bars will be installed as necessary to divert or slow water movement on exposed road surfaces.
 - g. Skid trails will be cleared of debris, smoothed, and water bars installed after all trees have been removed.

- h. Skid trails will be seeded with perennial grasses in accordance with the detail shown.
 - i. A detail for topsoil and seeding of all disturbed areas.
 - j. Loading areas will also be smoothed and seeded at the end of the harvest.
12. The Applicant has agreed to take appropriate stabilization measures, per Planning Board Engineer, if a major storm event is expected in the project area.
 13. The Applicant should coordinate with NYSDEC with regard to endangered species (i.e., Timber rattlesnakes and Indiana bats).
 14. The proposed landing areas and haul roads will be disturbing more than 0.25 acre; Applicant must obtain a building department permit in accordance with §150-4.
 15. Establish an inspection schedule and escrow account for Planning Board Engineer to conduct inspections at the site
 16. A reclamation bond in the amount of \$3,000 shall be provided until all areas have been stabilized in accordance with the following NYSDEC definition of Final Stabilization: “all soil disturbance activities have ceased and a uniform, perennial vegetative cover with a density of 80% over the entire previous surface has been established; or other equivalent stabilization measures, such as permanent landscape mulches, rock rip-rap or washed/crushed stone have been applied on all disturbed areas that are not covered by permanent structures, concrete or pavement.” (GP-0-10-001, Appendix A).
 17. Payment of all fees.

The following comment submitted by the Conservation Board, dated 3/7/12:

Bellvale Community Forest c/o Church Communities of NY, Inc. – The CB recommends a site visit.

The following comment submitted by the ARB:

Bellvale Community Forest c/o Church Communities of NY, Inc. – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This project is subject to SEQR. It is an Unlisted Action. There are no other involved agencies. The Planning Board could go ahead and declare Lead Agency.

Mr. McConnell makes a motion for Lead Agency.

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

617.6

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

Name of Action: Bellvale Community Timber Harvest

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan application by Church Communities NY, Inc. for a ± 60 acre area on a 415 acre parcel of land located at Bellvale Lakes Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 1-28-12 was submitted at the time of application, and

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

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

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

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

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

Comment #2: Applicant to discuss project.

Dave Mercer: The plan that we had submitted has three components. We are looking to get a Timber Harvest Permit of a Non-Commercial Forest stand improvement. I want to point out that we would be staying 100 feet below the Ridgeline. Looking at the plan, back in the year 2009, we had done a similar stand improvement in this area of 7 acres. That has been complete. There was an existing road located here on the plan that we had improved. We had improved that road using the NYS Forestry Best Management Practices. Looking at the profile, it shows the grade and pitch percentages. We put in some culverts over the last 2 years to improve water quality. The plan that I have here shows the profile of Bellvale Mountain. We have agreed not to do skid rows longer than 300 feet.

Mr. Astorino: Would you be using all of this wood for onsite firewood?

Dave Mercer: Yes.

Comment #3: Conservation Board comments – pending

Laura Barca: We received a comment from the Conservation Board today late. They are recommending that we do a site visit.

Mr. Astorino: Thanks. I will recommend that we do a site visit.

Comment #4: Architectural Review Board comments – pending

Comment #5: OC Planning Department – pending submittal

Comment #6: Planning Board may want to schedule a site inspection to see the project site.

Mr. Astorino: When would the Board like to schedule a site visit? We could schedule a site visit before our next Work Session on 3/26/12 @ 5:30 p.m..

Mr. Kennedy: Ok.

Mr. McConnell: Ok.

Mr. Showalter: Ok.

Mr. Astorino: We will schedule the site visit for Monday, March 26, 2012 @ 5:30 p.m.. We will meet at 359 Gibson Hill Road.

Comment #7: §164-47.10.D.(2) exempts Forestry that is conducted in a manner consistent with the timber harvesting guidelines, as defined by NYSDEC. Landing areas and log haul roads are subject to §164-47.10. If Applicant is in compliance with NYSDEC Best Management Practices, Applicant is considered to be in compliance with §164-47.10.

Mr. Astorino: We are keeping that comment there as a place keeper.

Laura Barca: Yes.

Comment #8: It is noted for the record that a stabilized construction entranceway is not required because there is no entrance/exit onto a roadway; all logging roads will be managed internally.

Comment #9: The individuals responsible for the logging must sign a notarized letter stating that they have read and understanding Town of Warwick Town Code §150 and agreement to comply with NYSDEC Forestry Best Management Practices for Water Quality. We have received copy of statement; this needs to be notarized.

Laura Barca: They submitted that tonight.

Mr. Astorino: Ok. Thank you.

Comment #10: During timber harvest operations, a weekly report must be completed and submitted the following week to the Planning Board Engineer. The weekly report must contain the following information (an example is included in **Attachment 1**):

- a. Number and species of trees removed from site.
- b. Identify if trees are sawtimber, firewood, or cull.
- c. Estimate of sawtimber removal in board feet.

d. Estimate of firewood removal in cord.

Mr. McConnell: Mr. Chairman, I think that needs to be revised. It is my understanding that none of these trees will be removed from the site. They would all be staying on the site.

Mr. Bollenbach: It is just firewood.

Mr. McConnell: Yes. We need to change the wording of that.

Laura Barca: There is another question the applicant asked me to ask the Board to consider. If there is a DEC plan that is prepared by a Forester for forest management if the applicant agrees to comply with Section 150 of the Town Code, and if the applicant is in compliance with NYS Best Management Practices for water quality, does the Planning Board want the reporting requirement that the Planning Board has in place with other commercial Timber Harvests?

Mr. McConnell: I am not understanding what you are trying to say.

Mr. Astorino: I think the issue here is if the applicant is using Non-Commercial Timber Permit or application to cut a certain number of trees for firewood, my only issue is that I think it could be revised to the point stating that a weekly report could be done.

Mr. Bollenbach: How about a monthly report?

Mr. Astorino: I don't know if that would be pushing it too far.

Mr. Bollenbach: It could be a monthly report. It's going to be limited in nature I believe.

Mr. Fink: The other consideration is that I believe this would be going on for 10 years. That would be a long-term commitment.

Mr. Bollenbach: Or, we could have them do a quarterly report. This would be something that would be ongoing for a long period. You don't have the intensity of use.

Mr. Astorino: What is the Board's pleasure?

Mr. McConnell: What is the mechanism by which we determine that they are still in compliance 2 years down the road with Best Practices?

Mr. Astorino: It would be these reports.

Mr. Bollenbach: It could be the quarterly reports or annual reports.

Mr. McConnell: We don't want to make it such a long period of time that there is an ability inadvertently even to run afoul of that and then we come in and read the reports and say what did they do here. Maybe a weekly report isn't appropriate but I don't know if a semi-annually or an annually report would be appropriate either. Let us consider if we want to do it monthly and maybe 3 years down the road we might want to change it to something else. We could stage that in so that we have some experience and the landowner would have some experience with managing it over the long-term. Then

maybe the requirement of the frequency of the report could be reduced. I don't like the idea of not having something.

Mr. Bollenbach: Do you want to change that to monthly?

Mr. Astorino: Why don't we start it out as monthly, then we could revise it?

Mr. Bollenbach: Maybe the next time around we could revise that to indicate that it is for firewood. Let's put another provision in there that the applicant is to make a request to the Planning Board to reduce the frequency.

Dave Mercer: The purpose is to make firewood from this. We are not looking to make money off this.

Mr. Astorino: We understand that.

Mr. Bollenbach: We are just looking for some type of an enforcement mechanism or a monitoring mechanism. This is just to make sure that it is in compliance. If we start out on a monthly basis, I am sure the Board would consider if everything is going very nicely that they would extend that duration.

Mr. Astorino: Also, with the residents that live around there, it would be a safeguard for them to say yes the Town is taking a look at this to make sure it is being done properly. If you were skidding trees, even for a couple hundred yards to a certain point that you cut them that water runoff and erosion would not affect the neighbors. That would be a safeguard. That would also protect you. I don't think the report has to be a very detailed report. It should be very simple and straight forward.

Mr. McConnell: It would have to be detailed enough to allow our Professionals to look at it and say ok that they are still within the parameters.

Mr. Astorino: Yes. I think that could be revised.

Comment #11: The following notes and information must be prepared and signed by the individuals responsible for the logging operations:

- a. No trees will be stored within 25-ft of municipal roads.
- b. Work will not be conducted when the weather (e.g., rain, snow/ice, etc.) does not permit working without causing excessive erosion or rutting of the log roads.
- c. All work must be conducted in compliance with New York State Department of Environmental Conservation Best Management Practices.
- d. All work must be in compliance with Town of Warwick Town Code §164-47.10.
- e. Skids trails will not exceed a slope of 25% for a distance greater than 300-ft.
- f. Water bars will be installed as necessary to divert or slow water movement on exposed road surfaces.
- g. Skid trails will be cleared of debris, smoothed, and water bars installed after all trees have been removed.
- h. Skid trails will be seeded with perennial grasses in accordance with the detail shown.
- i. A detail for topsoil and seeding of all disturbed areas.
- j. Loading areas will also be smoothed and seeded at the end of the harvest.

Mr. McConnell: John, maybe you could clarify something for me. I am unclear as to what or who was meant by the individual who is responsible for the logging operation.

Mr. Bollenbach: This would have to be modified as well. Generally, you would have the Forester that would identify the trees. Then a Logger would come in. The Logger would be the one that cuts down the trees.

Mr. McConnell: It doesn't seem to fit this context.

Mr. Bollenbach: It doesn't apply to this. We will modify this for the next go around.

Mr. McConnell: Right. Thank you.

Laura Barca: Are we modifying it in this letter?

Mr. Bollenbach: When we get to the conditions of the approval, we would modify this.

Laura Barca: This application doesn't really have a Forester and a Logger. They are doing the work themselves.

Mr. McConnell: Right.

Mr. Bollenbach: There will be a statement that a Forester has approved this particular plan and that it is being conducted by the Bellvale Community.

Laura Barca: Ok.

Mr. Astorino: These conditions would still apply.

Mr. Bollenbach: Yes.

Mr. Astorino: Do you have any questions on these conditions?

Dave Mercer: No.

Comment #12: The Applicant has agreed to take appropriate stabilization measures, per Planning Board Engineer, if a major storm event is expected in the project area.

Dave Mercer: Yes.

Comment #13: The Applicant should coordinate with NYSDEC with regard to endangered species (i.e., Timber rattlesnakes and Indiana bats).

Mr. Astorino: Ted, that may limit as far as the time of harvesting trees.

Mr. Fink: Yes.

Comment #14: The proposed landing areas and haul roads will be disturbing more than 0.25 acre; Applicant must obtain a building department permit in accordance with §150-4.

Dave Mercer: Yes.

Comment #15: Establish an inspection schedule and escrow account for Planning Board Engineer to conduct inspections at the site.

Dave Mercer: We have already established an escrow account.

Mr. Astorino: That would be an inspection fee.

Mr. Bollenbach: That would be something for the Board to consider. Will there be a monthly report and a monthly inspection?

Mr. Astorino: It would depend on what is going on with the site. There should probably be something in an inspection fund. If you would be doing a clearing of the wildlife area and you are doing a removal of stumps, we would have to make sure that the stormwater erosion control is in place. We could start out with a certain fee. We could go from there.

Mr. Bollenbach: We could also insert in there monthly during active harvest.

Mr. Astorino: Yes. We could do something to that effect. We would do something that makes sense.

Comment #16: A reclamation bond in the amount of \$3,000 shall be provided until all areas have been stabilized in accordance with the following NYSDEC definition of Final Stabilization: "all soil disturbance activities have ceased and a uniform, perennial vegetative cover with a density of 80% over the entire previous surface has been established; or other equivalent stabilization measures, such as permanent landscape mulches, rock rip-rap or washed/crushed stone have been applied on all disturbed areas that are not covered by permanent structures, concrete or pavement." (GP-0-10-001, Appendix A).

Dave Mercer: Yes. We don't think this really applies to us. This is not someone else's property. This is our property. We have been improving it since we bought it. Why would we stop now?

Mr. Astorino: What you had pointed out to us at the Work Session, if you are going to be seeding it and replanting, you would be doing it regardless. This is in here for our benefit to tell that this would have to be done. You have been doing it. If you continue to do it, then it would not be an issue.

Mr. Bollenbach: That could also be discussed with the Town Board. Maybe the Town Board could make a recommendation.

Mr. McConnell: Yes. Also, if the circumstances of this application were different, then the reclamation bond would probably be more. We have already recognized that you have done a good job so far. You are likely to continue doing a good job of making sure the stabilization is done properly. That is reflected in it only being a \$3,000.00 reclamation bond.

Mr. Astorino: Once we do the site visit, I think we would understand it a little bit more that some of these areas may be valid.

Comment #17: Payment of all fees.

Dave Mercer: Yes.

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

Mr. McConnell makes a motion to set the Bellvale Community Forest c/o Church Communities of NY, Inc., for a Public Hearing at the next available agenda.

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

Connie Sardo: Mr. Chairman, do you want me to put them on the 3/26/12 Work Session? Would they be resubmitting something else or a revised plan?

Mr. Astorino: I would doubt that they would be resubmitting something else. I think we have everything. Laura and Ted, are we looking for anything else? Do we have everything we need?

Laura Barca: We have everything.

Connie Sardo: Dave, if you would like to be on the 3/26/12 Work Session, could you send me a letter to that effect?

Dave Mercer: Ok. Thank you.

Other Considerations:

1. **BCM Sectionalizing Plan** - Letter from Tony Ciallella, BCM, dated 2/3/12 addressed to the Planning Board in regards to the BCM Subdivision – requesting a 6-Month Extension on Preliminary Approval for filing a 42-Lot cluster subdivision in Sections and for Re-Approval of Final Approval for Section I to consist of a proposed 12-Lot cluster subdivision, situated on tax parcel SBL # 44-1-133; parcel located along the northerly side of State Highway 17A 500 feet east of Ketchum Road and Pumpkin Hill Road, in the SL zone. Preliminary and Conditional Final Approval was granted on, 8/17/11 became effective on, 9/1/11. *The applicant has stated that they need this extension due to the continued depressed state of the real estate market and economy.* The 6-Month Extension on Preliminary Approval for Sections and on the Re-Approval of conditional Final Approval for Section I becomes effective on, 3/1/12.

Mr. McConnell makes a motion on the BCM Sectionalizing Plan application, granting a 6-Month Extension on Preliminary Approval for filing a 42-Lot cluster subdivision in Sections and a 6-Month Extension on Re-Approval of Final Approval for Section I to consist of proposed 12-Lot cluster subdivision. SBL # 44-1-133. Preliminary and Conditional Final Approval was granted on, 8/17/11 became effective on, 9/1/11. The 6-Month Extension on Preliminary Approval for Sections and on the Re-Approval of Final Approval for Section I becomes effective on, 3/1/12.

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

2. Planning Board to discuss revisions to the stormwater plan and for the Planning Board to make a recommendation to the Town Board.

Mr. Astorino: If the Board has any comments, please get them into Laura.

Mr. Bollenbach: Ted and I have discussed this.

Mr. Fink: John and I are going through this to make sure that it is ready for Local Law. I already have comments from John and Paul on this matter.

Mr. Bollenbach: I believe we also have some comments from the Town Board.

Mr. Showalter: Why don't we discuss it as a group at a Work Session?

Mr. Astorino: Yes. If there are any comments, please get them to Laura.

Mr. Bollenbach: Hopefully we could email them out. We could discuss it at the next Work Session.

Mr. Astorino: Yes. We will put this on for the 3/26/12 Work Session.

3. Planning Board to discuss cancelling the 3/12/12 Work Session & 3/21/12 PB Meeting due to no submittals.

Mr. McConnell makes a motion to cancel the 3/12/12 Work Session and the 3/21/12 Planning Board Meeting.

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

4. Planning Board Minutes of 2/15/12 for Planning Board's Approval.

Mr. Kennedy makes a motion to Approved the Planning Board Minutes of 2/15/12.

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

5. William Vasquez Subdivision – Planning Board to discuss setting the Vasquez Subdivision for a Final Public Hearing.

Mr. Astorino: This is to save them from having to come back for another meeting.

Mr. McConnell: Where is this located?

Mr. Astorino: It is off Continental Road. It is the property with the two existing houses on it.

Mr. Showalter makes a motion to set the William Vasquez Subdivision application for a Final Public Hearing at the next available agenda.

Seconded by Mr. Kennedy. 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 March 7, 2012 Planning Board Meeting.

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