

TOWN OF WARWICK PLANNING BOARD

March 16, 2011

Members present: Chairman, Benjamin Astorino
Russell Kowal, Dennis McConnell
Roger Showalter, Carl Singer
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 16, 2011 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

Mr. Astorino: I don't know if we had done this at the beginning of the year. We had cancelled some meetings due to the weather. I just want to do a little housekeeping. Roger Showalter has been appointed a Vice-Chairman for the year 2011. Now, we can move on with our meeting agenda.

PUBLIC HEARING OF Dawn and Douglas Itjen

Application for Final Approval for a proposed Lot Line Change, situated on tax parcels S 64 B 3 L 4 and L 5; parcels located on the corner of Cascade Road and Cherry Tree Hill Road, in the CO zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: John McGloin, PLS. & Douglas Itjen.

Connie Sardo: Mr. Chairman, we have received the certified mailings for the Itjen 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. OCPD: pending submittal
6. TW ZBA: 280(a) access to a private road was granted 11/22/10 for 24 months.
7. The Applicant may wish to obtain the requirements to file a plan in the Orange County Clerk's Office before trying to file this plan (i.e., shading will not be allowed).
8. The intent of the shading is not included in the legend.
9. The private road notes should be added to the plan.
10. Provide a private road maintenance plan with recording information.
11. The deed overlap has been indicated on the plan; the tax lots involved, lot area involved, etc. should be shown.

12. Sheet 1 Note 8 discusses a previously approved septic system design. Better reference should be made to this design: Eustance & Horowitz, dated 07/26/05, last revised 04/27/06, 2 sheet plan set.
13. Sheet 1, Note 10 states that a trench drain shall be installed; TW DPW has indicated that notes and details should be shown that include a concrete trench drain.
14. Sheet 1, Note 10 should be revised to state that the coordination for the trench drain shall be with TW DPW.
15. Even though the project is located in the Ridgeline Overlay district, a line-of-sight profile may not need to be prepared because the site is not visible from a public viewpoint.
16. Surveyor to certify that iron rods have been set at all property corners.
17. The declaration information for the Ridgeline Notes need to be shown on the drawing.
18. Payment of all fees.

The following comment submitted by the Conservation Board, dated 3/16/11:

Dawn and Douglas Itjen – There appears to be a potential drainage issue on this parcel. So before approval is granted for the lot line change, the applicants should insure that further development does not make the issue worse. Perhaps the techniques recommended by the OC Department of Planning for the Carroll Equipment project (see below) could be considered.

The following comment submitted by the ARB:

Dawn and Douglas Itjen – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board had declared itself Lead Agency some time ago. We have been reviewing the application with a short EAF. It is an Unlisted Action. We had SEQR comments previously on this application. The comments have been addressed.

Comment #2: Applicant to discuss project.

John McGloin: We proposed a lot line change. What it is doing is increasing the area of the front lot to conform. We are proposing a structure on the second lot, which is vacant land right now.

Comment #3: Conservation Board comments: pending

Mr. McConnell reads the Conservation Board comment, dated 3/16/11.

Comment #4: Architectural Review Board comments: pending

Comment #5: OCPD: pending submittal

Comment #6: TW ZBA: 280(a) access to a private road was granted 11/22/10 for 24 months.

Comment #7: The Applicant may wish to obtain the requirements to file a plan in the Orange County Clerk's Office before trying to file this plan (i.e., shading will not be allowed).

Comment #8: The intent of the shading is not included in the legend.

John McGloin: Laura and I talked about comments 7 and 8 today. This plan was prepared so long ago. The standards have changed. I am going to change the shading to some sort of hatching.

Mr. Astorino: Ok.

Comment #9: The private road notes should be added to the plan.

John McGloin: Yes.

Comment #10: Provide a private road maintenance plan with recording information.

Mr. Astorino: Get in touch with John Bollenbach on that.

John McGloin: Yes.

Comment #11: The deed overlap has been indicated on the plan; the tax lots involved, lot area involved, etc. should be shown.

John McGloin: I spoke to Laura about that. That would involve surveying all of the lots to the west. That would put a tremendous burden on the applicant. The reason for the possible overlap is because that is exactly what it is. It is based on a few lines that are there. It moves me as a surveyor to show that sort of information to make anyone aware that it might exist. To actually show the specific square footage and such, the cost would be staggering because you would have to survey all of those other lots. That is the reason that we show possible.

Laura Barca: Right.

Mr. Bollenbach: Ben, regarding comment #10, we will need to add the recording information on the plan.

John McGloin: Ok.

Comment #12: Sheet 1 Note 8 discusses a previously approved septic system design. Better reference should be made to this design: Eustance & Horowitz, dated 07/26/05, last revised 04/27/06, 2 sheet plan set.

John McGloin: Yes. I could be more specific on that. No problem.

Comment #13: Sheet 1, Note 10 states that a trench drain shall be installed; TW DPW has indicated that notes and details should be shown that include a concrete trench drain.

John McGloin: Ok. Comments 13 and 14 are merged. What we talked about was changing Note #10 to state as follow: "*the proposed trench drain shall be constructed and installed in accordance with the Town of Warwick DPW specifications*". We felt if this construction doesn't take place within the next year, some of the new material or something else might come up where DPW might come up with a new way on how they would want this done.

Comment #14: Sheet 1, Note 10 should be revised to state that the coordination for the trench drain shall be with TW DPW.

Mr. Astorino: Do any Board members have a problem with this?

Mr. Kowal: No.

Mr. Singer: No.

Mr. Astorino: Ok. The Board is fine with it.

Comment #15: Even though the project is located in the Ridgeline Overlay district, a line-of-sight profile may not need to be prepared because the site is not visible from a public viewpoint.

Mr. Astorino: Laura, do you agree with this?

Laura Barca: Yes.

Comment #16: Surveyor to certify that iron rods have been set at all property corners.

John McGloin: Yes.

Comment #17: The declaration information for the Ridgeline Notes need to be shown on the drawing.

John McGloin: Yes.

Comment #18: Payment of all fees.

John McGloin: Yes.

Mr. Bollenbach: John, was there a dedication strip for this on Cascade Road?

John McGloin: It is proposed. It would have to be done.

Mr. Bollenbach: Ok. It is proposed. It states, lands to be conveyed to the Town of Warwick for highway purposes. We will need to add a comment #19. Comment #19, provide a dedication strip with the recording information to be placed on the plan.

John McGloin: Ok.

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

Mr. McConnell: We have a comment from the Conservation Board, dated 3/16/11. Laura, could explain the CB's comment to us? It is quite confusing.

Mr. Showalter: Dennis, Carroll Equipment would be using rain gardens, etc... I was just going to make a suggestion to Mr. Itjen. I pass Cherry Tree Hill Road often. Maybe when the weather permits, you could do some housekeeping on that road. It tends to wash out onto Cascade Road.

Douglas Itjen: We have fixed that already.

Laura Barca: I did have the opportunity to go out there last week when it was raining. It was raining significantly. The condition of that road was very good for a private road considering the rainfall that we had. There was no washout on the road. I didn't see any washout onto Cascade Road at least at that time.

Douglas Itjen: I know that before this, the gravel use to wash out onto Cascade Road. It hasn't done that in about 9 months.

Mr. Showalter: It use to be pretty bad. There has been improvements made.

Mr. McConnell: Would it be fair to say that the further development that is proposed has been addressed?

Mr. Bollenbach: Yes.

Mr. McConnell: Ok.

Mr. Showalter: He will add those pieces when he develops the property.

Mr. Astorino: Ok. This is a public hearing. If there is anyone in the audience wishing to address the Itjen application, please rise and state your name for the record. Let the record show no public comment.

Mr. Showalter: Ben, there was a note that stated when he did start the development, he would blacktop where needed.

Mr. Astorino: The whole length would be blacktopped.

Mr. Bollenbach: It is already stated on the plan.

Mr. Showalter: Ok.

John McGloin: It is on the plan. There is a notation stating such.

Mr. Showalter: Ok. That would solve a lot of problems.

Mr. Kowal makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: Itjen Re-Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed re-subdivision between two existing lots of record owned by Douglas and Dawn Itjen, Town of Warwick, Orange County, New York, and

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

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 04-28-2006, 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 Dawn and Douglas Itjen application, granting Final Approval for a proposed Lot Line Change, situated on tax parcels S 64 B 3 L 4 and L 5; parcels located on the corner of Cascade Road and Cherry Tree Hill Road, in the CO zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on March 16, 2011. Approval is granted subject to the following conditions:

1. The Applicant may wish to obtain the requirements to file a plan in the Orange County Clerk's Office before trying to file this plan (i.e., shading will not be allowed).
2. The intent of the shading is not included in the legend.
3. The private road notes should be added to the plan.
4. Provide a private road maintenance agreement with recording information on the plan.

5. Sheet 1 Note 8 discusses a previously approved septic system design. Better reference should be made to this design: Eustance & Horowitz, dated 07/26/05, last revised 04/27/06, 2 sheet plan set.
6. Sheet 1, Note 10 states that a trench drain shall be installed; TW DPW has indicated that notes and details should be shown that include a concrete trench drain.
7. Sheet 1, Note 10 should be revised to state that the coordination for the trench drain shall be with TW DPW.
8. Surveyor to certify that iron rods have been set at all property corners.
9. The declaration information for the Ridgeline Notes need to be shown on the drawing.
10. Provide Road Dedication Strip with Recording information on map.
11. Payment Of All Fees.

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

John McGloin: Thank you.

Douglas Itjen: Thank you.

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

Application for Site Plan Approval and Special Use Permit for the construction and use of commercial/retail facilities totaling 19,786 square feet in three buildings, entitled “**Fairgrounds #2**”, situated on tax parcel S 51 B 1 L 40.1; project located on the northern side of NYS Route 94 approximately 1,000 feet east of Orange County Route 21, in the DS/OI zones, of the Town of Warwick, County of Orange, State of New York. Public Hearing was closed at the 2/7/11 Planning Board meeting.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Adrian Goddard, Applicant. Rob Spiak from Core States Group.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments (02/07/11) – no comments.
4. Architectural Review Board comments
 - a. Buildings 2 and 3 have been formally recommended to the planning board
 - b. Chase Bank comment letter dated March 13, 2011
5. OC Planning Department (12/09/10) – Night sky lighting advisory comment.
6. Checklist (J): Current project needs to be coordinated with emergency services (fire, ambulance & police). Letters dated 11/17/10; response from police dated 11/23/10 (no concerns).
7. Checklist (L) 9: Planning Board attorney to confirm that all easements, deed restrictions, and covenants are shown on the plans.
8. There is at least 1 entrance with lower than required lighting levels (Bldg 1 front).
9. According to §164-43.4.G, lighting levels around an ATM must be in accordance with NYS ATM Safety Act. The lighting levels around the proposed ATM must be modified to reflect the appropriate levels.
10. At least 2 light poles are located within a sidewalk (bldg 2 ADA ramp and bldg 3 front sidewalk); the lights should be moved. In numerous other locations, light poles are located in the same place as shade trees. Please coordinate the lighting and landscaping plans.
11. Provide nighttime lighting levels to show security lighting levels.
12. Checklist (L) 41: Is the PB requiring estimates of noise generation at this project site? Applicant submitted noise levels in EAF (not expected to be significantly higher than ambient levels).
13. The language on Sheet 1 (on the site plan itself) states that the Marginal Access is to be dedicated... the language should be changed to the satisfaction of the planning board attorney.
14. Building 2 architectural floor plans do not match site plans. Building 3 floor plans show two rear doors. Verify all doors have sidewalk access.
15. A complete signage and striping plan (with appropriate details, i.e., Do Not Enter, One Way, etc.) should be submitted for the project site. Details have been added; overall plan needs to be shown.

16. Add a note to the plan: If the proposed uses for the remaining buildings are not known at the time of site plan approval for Fairgrounds #2, then the Applicant will have to make an application for an amended site plan approval if the proposed use requires substantially changes to the approved building. All other buildings, either previously approved or still conceptual must be shown. Prior to each approval the Applicant shall demonstrate that the parking space requirements, stormwater (in accordance with the Town Code requirements and including permeable pavers), water, and sewage needs have been provided.
17. OCDOH approval of modified water supply permit (approved design flow of 5,000 gpd proposed to be modified to 10,000 gpd).
18. NYSDEC approval of modified sewerage discharge system (approved design flow of 5,000 gpd proposed to the modified to 10,000 gpd).
19. Allowance in the size of the sewer main for connection to Homarc and bowling alley parcels.
20. Possible re-location of sanitary sewer manhole to minimize disturbance for future connections to sanitary system.
21. Repair of infiltration problem at existing sewer facility (e.g., groundwater infiltration at pipe penetrations in the comminutor tank and possibly other tanks).
22. Sheet 1 Notes 9 and 17 seem to contradict each other; it is the Town's understanding that the Applicant has agreed to construct the marginal access road if the Town obtains the appropriate permits.
23. The Applicant's wetland specialist should prepare a letter to the Planning Board stating that a wetland delineation was completed, including the date of delineation, who did the delineation, and appropriate data sheets.
24. As a conditional of final site plan approval for Fairgrounds #2, a three-ring binder with all color, texture, roofing samples, etc. shall be submitted and retained with the Building Department after final approval is granted.
25. Payment of all fees.
26. Payment of all bonds (landscaping, performance, construction trailer removal bond, construction inspection fees for landscaping and performance, and traffic mitigation fees).

The following comment submitted by the Conservation Board, dated 3/16/11:

Fairwick, LLC. – The CB has no further comments.

The following comment submitted by the ARB, dated 3/16/11:

Fairwick, LLC. –

DATE: 13 March, 2011

MEMO TO: Town of Warwick Planning Board

FROM: Architectural Review Board

SUBJECT: Conceptual Drawings for Chase Bank Building, Fairground #2

The Architectural Review Board members remain divided on the subject building. One member believes that the proposed drawing meets the letter and spirit of the Architectural Design Standards. That member also believes that the changes made to the initial design have incorporated many of the elements that are in the building Chase currently occupies in the Village.

Three members believe that the options shown fall short of meeting the Standards. Section 164-124 of the Town Code states: "Individual buildings shall relate to each other and to traditional structures in the surrounding area in lot placement, scale, height and connections to harmonize visually and physically with the traditional character of the area." The law establishing the CB zone says "A compatible architectural theme shall be created and carried out throughout the development."

One member believes that there has been improvement made to the design over past attempts, and would request more advanced and detailed renderings and perhaps a cladding detail or two. He further suggests: "I think we need to see an architectural master plan for this site to see how this building will relate to the full build out. It may be ok if this has its own identity but we would want to be sure that it and the future buildings planned for this site will work together as a whole when the final build out is realized." This is a very wise recommendation in keeping with the Town law establishing the CB Zone as well as the Architectural Standards.

One member has made no comment on the design. It is not appropriate to imply that he agrees or disagrees with the opinions expressed above.

In any case, the options provided are, as noted "NTS – Not to Scale". We have seen no samples of materials as of 3/12/2011 (Connie and Laura were not in on Friday to verify receipt). The materials used will need to demonstrate dimensionality – and not appear to simply be a thin layer of plaster applied over siding. The suggested detailed renderings and cladding details – which I believe the Planning Board did request on 3/7 – should be submitted.

The building has a flat roof, which will mean significant design to camouflage mechanicals on the roof. Please note that Section 164-124 states: "Rooftop and ground level mechanical equipment shall be screened from public view by the use of materials harmonious with the building, or shall be located so as not to be visible from any public ways."

The various elements of the façade will need to be constructed to meet the standards for horizontal and vertical variety and relief as set out in the Architectural Standards, meaning that the elements presented cannot be a simple appliqué onto the facades of the building.

The master plan for the site, recommended above, should be submitted for review by both the ARB and the Planning Board.

Respectfully submitted,

Christopher J. Collins, AIA, LEED

James McConnell, AIA

Marco Pedone, Ph.D.

John Starks

Penny Steyer

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This project went through the full EAF. Previously the Planning Board had adopted a Findings Statement on this. But, as a result of the changes to, the Car Dealership was removed from the project. Back in December, I went through the adopted Findings Statement. I prepared and copied for the Planning Board the Findings Statement to show new changes that would be necessary to be able to incorporate those new changes that have been made and discussed various impacts and thresholds, etc... I sent it out to the Board in final form yesterday. The Board should have that in their packets. The Amended Findings Statement would need to be adopted by the Planning Board before any other action can take place.

Comment #2: Applicant to discuss project.

Mr. Astorino: Ok. Before we go through any of these comments this evening, I received a Memo from Supervisor Sweeton dated 3/15/11. The Memo is stated as follows:

“The Town Engineer visited the wastewater plant behind Price Chopper today with our operator and representatives of Goddard Development. WSTP #2 has been experiencing what appears to be ground water infiltration and attempts have been made to correct this problem. To date the problem remains unresolved. Several solutions were discussed and possible corrections are being evaluated. The Town is not prepared to accept any additional input to the plant, with the exception of the Autozone building, until this problem is resolved to our satisfaction.”

Mr. Astorino: Let us address that issue first.

Adrian Goddard: I think we have a fix, which the Town Engineer is looking at.

Mr. Astorino: When does it plan on being fixed?

Dave Getz: Weather permitting, we should have it fixed by the end of March.

Mr. Astorino: By the end of March. That is about 2 weeks from now.

Dave Getz: Yes.

Mr. Showalter: What is the solution? What is the fix?

Dave Getz: It is the groundwater infiltration that is the problem. There are two solutions. One solution is to seal it appropriately. The second solution, which is a great factor, is to install a curtain drain to lower the groundwater level.

Mr. Astorino: This fix, when it is completed within a couple of weeks, you would have confirmation that it is working properly.

Dave Getz: Yes.

Mr. Astorino: That would go back to the Town Board and they would get back to us. That is my point.

Laura Barca: That confirmation for the Planning Board will be from the Town Engineer and the Town Board.

Mr. Astorino: Ok. When it is corrected properly. That will be done in a couple of weeks.

Mr. Singer: How is this solution different from what you told us the last time you were before us?

Dave Getz: Now, they are including curtain drains.

Adrian Goddard: The water is up high now especially when it is wet.

Mr. Kowal: Where would it drain to?

Adrian Goddard: Into the Swale.

Dave Getz: There is a swale nearby. We don't need to disturb anything. We won't be going into any wetland buffers or anything like that. We reviewed that with Ed Butler yesterday.

Mr. Astorino: Ok. Does the Board have any other questions pertaining to the wastewater? I think you know where you are at with this. We will give you a few weeks. Then, you can get back to us on this matter. Let us now talk about the architecture. We discussed at the work session in depth the two options. Looking at your first drawing, drawing A, as far as the glass, that was the original. You have now just added some cornice work on top, but didn't add anything to the bottom. Is that correct?

Rob Spiak: We raised up all of the windows. They were originally situated all the way down to the ground. We provided a 3-foot minimum around the entire building.

Rob Spiak gives the Board a presentation of the Chase Bank Building, drawings A & B showing the glass, signage, awning, entryways, etc... He also presents all types of samples of the building materials for the ARB to take a look at.

Mr. Astorino: Get that stuff to the ARB. Ted, please give us a rundown on the Design Standards.

Mr. Fink: That was one of the comments I had regarding the architectural standards. The standards do talk about avoiding large extensive glass. That does respond to that. I went through both the signage and the architectural standards as we had talked about at the work session. Essentially, the building complies with those standards in terms of the materials and the other various aspects of the standards. There was one area perhaps from an architectural standpoint, and I am not an architect, but there is a provision that talks about diversity of architecture. The Town does not want it all the same. They want to have a variety of different architecture. With that said, the purpose of the Design Standards is to have cohesive design. It is to have designs of buildings that relate to each other. That is the only lingering comment that I have at this point. How does this building relate to the other buildings? We have seen the Autozone Building and Buildings 2 & 3, which in my eyes is fairly different architecture. I understand you have received direction to this point to have a building of this type. I think that is something the Board should discuss. The Board should discuss whether or not this does relate both to the architectural of the Town as well to the architecture that is already either approved or on its way towards approval at the site including the Price Chopper, Autozone, and the other two buildings that would be right next door to this particular building.

Mr. Astorino: Thank you. I am going to throw this to each Board member at this point. We have all been through this. We have all looked at it. Are there any suggestions at this point? I will ask each Board member that question.

Mr. McConnell: It is not a building that I would design. I don't know anything about designing buildings. It is not a building that I would pick. That is because it is not a building to my taste. It does not offend my sensibilities and concerns of what I had seen in Town and what is expected to be out there at the site. That is a roundabout way of saying that I am ok with it.

Mr. Singer: The Town had decided that we wanted an Architectural Review Board as an advisory to the Planning Board. The ARB meets frequently. They have gone to the site. They go to our meetings and work sessions. They have put in a lot of time. They are at a standstill now where the majority of the ARB feels that this building is not cohesive design with the rest of the development. They are uncomfortable with it. They would like to go in a different direction. I think we should wait until that problem is resolved.

Mr. Kowal: With the glass being reduced, it looks more like what was suggested. It looks like a bank. I don't know what else we could do with it. If the ARB has any ideas, we should have their input. We always listen to them. We take their advice seriously.

Mr. Singer: They are asking to spend more time reviewing it.

Mr. Kowal: They have been reviewing it for some time now.

Mr. Singer: Yes. They have. But, they are not there yet.

Mr. Showalter: Looking at the drawings now, I think the original conceptual drawings were awful. I don't want the architect to take that as an offense. These drawings look better now. It is definitely going in the right direction. The chairperson of the ARB suggested to make it look more like a bank. It definitely looks more like a bank. The ARB also suggested that we go with a style like the old Chase Bank building like the one in the Village, the 1930's style type. It definitely looks more towards that style. I think it is coming along. I will agree with my two other Board members here. Maybe we should wait for them to fine-tune it. However, in my own personal opinion, I think it has come along pretty good. If it fits the guidelines on what the Town is asking for, you have to let the applicant build what they desire. Everyone on the Board has to remember that Chase Bank has a brand they use. The bank has to be identifiable as a Chase Bank. That is part of their brand. We as a Planning Board have to work with the applicant and the tenant so that person could show their brand and try to sell their product. They are not going to be able to succeed in our Town if they are not able to build their brand. This is certainly a better rendering than the previous rendering. I think we have all come together and done our jobs. Maybe you could tweak it a little bit more.

Mr. Astorino: I remember the initial meeting we had. It was a Joint meeting with the Planning Board and the ARB approximately 2 months ago. Every member of the Planning Board was at that Joint meeting. We took a look at a different couple of proposals. Granted, it is not the Planning Board's job or the ARB's job to design a building for the applicant. That was said there. The ARB has been back and forth with the applicant numerous times. We have emails to that effect. I look at it as and ask, is it my favorite building? The answer is no. Does it meet the Design Standards? Ted, you pointed out that it is very close. It seems to me that we have a little time here especially with the infiltration system. You guys won't be doing that for another two or three weeks until it is completed.

Adrian Goddard: It will be done.

Mr. Astorino: That is great. Our next Planning Board meeting is 4/6/11. I am sure if you are done by then, you will be back before us. Between all the meetings, you have been back and forth on this. This is where we are at right now. I have read the emails from the ARB. We have some samples. Do you have all of the samples?

Adrian Goddard: Yes.

Mr. Astorino: Ok. You will be back before us in a few weeks. Any comments, we have from the ARB, we will forward them to you. Our next Planning Board meeting is 4/6/11.

Adrian Goddard: I don't know what else to do at this point. We have chased our tails with the ARB for four meetings. We have made several different suggestions, following to the letter, including this one. To receive a comment letter where there are 6 ARB members only 5 of them are referenced. They are in a disagreement. They don't have any suggestion on how we should proceed. I think there was some comment about the coherent Design Standards. We have spent several months getting ARB approvals for the other two buildings in Phase 2. All of that has been extensively reviewed. We are just going around in circles chasing our tails.

Mr. McConnell: One thing I have seen here was about cladding details. Mr. Architect, what does that mean?

Rob Spiak: It could mean a lot of things.

Mr. McConnell: Perhaps that is an opening with the ARB. That is a semi concrete thing mentioned. You asked, how do you quit chasing your tails? That is the opening. What they did say specifically was to provide greater cladding details. I don't know if your Architect and the ARB could get clear on what they mean by that. That might resolve the whole thing.

Adrian Goddard: I thought the ARB was an Advisory Board.

Mr. Astorino: They are. The ARB is an Advisory Board just like the Conservation Board is an Advisory Board. With that being said, I understand you are looking for an approval. I don't think the Planning Board at this point with the wastewater plant situation is willing to give an approval. Even if you received an approval tonight, you would not be building squat without the wastewater plant approval. That is pretty clear cut with the Town. Take that off the table for a minute. Once you get that repaired within the next two to three weeks, that will put you in line with our other meeting. At that point whatever these details are, I am sure it could go back to the ARB. We had a Work Session Monday night. Roger, you weren't at that work session. The rest of the Board members had looked at it. We went over it in depth as to the architecture. There are a few other issues that need to be ironed out. You have a few weeks to take care of that. Let us get them ironed out so we could move on this. We will see you back at the 4/6/11 Planning Board meeting. That is my opinion. I hope the rest of the Board is in agreement on this.

Adrian Goddard: If we don't have a resolution on these issues and we don't close this out, we won't be able to construct this year. We would lose 12 months.

Mr. Astorino: Your first issue is to get the wastewater treatment plant up and running. Quite frankly, you are not building anything. This building is not being built until that is done. Do you understand what I am saying? Look at it from my point of view. We have a memo from the Town Supervisor stating; *"The Town is not prepared to accept any additional input to the plant, with the exception of the Autozone building, until this problem is resolved to our satisfaction"*. What that is telling me is that you are not going to build squat until they are happy. These issues need to be resolved. You will be put onto our next Planning Board meeting of 4/6/11. Adrian, you get in a direct line with the ARB.

Adrian Goddard: We have had a direct line with the ARB throughout this. They have this latest drawing. The comments the ARB gave us are completely undetermined. It is costing us a lot of time and money.

Mr. Showalter: I think it is wrong for anyone to hold any applicant up for an extensive amount of time. If the building is within the guidelines of the standards that the Town asks for of an applicant, I think we should make it our best to help the applicant move forward.

Mr. Astorino: I think now we are in this situation. You have to fix the wastewater regardless.

Adrian Goddard: We are going to do that. What I would hope for is that the Board would give us a permanent vote subject to us doing that and dealing with these other issues. I have to make plans. I cannot make plans at this point.

Mr. McConnell: We cannot make plans without knowing what is going on. Adrian, you thought it was going to be done right when it was done the first time. It turned out not to be the case. Stuff happens. Stuff can happen again. What Ben is saying is that we have a window of time here. Let us use it to try to bring everyone on board. If we can't get everyone on board, we will deal with it at our next meeting.

Mr. Astorino: Dennis, very well put.

Mr. McConnell: Thank you.

Mr. Singer: I think there is some confusion here. At the last meeting, we had one member of the ARB that talked about the cladding of the building. The rest of the ARB wasn't here and they didn't have a previous discussion about that. Now, that one member is saying the building is alright and the rest of the Board is saying that it is not alright. The majority of the ARB is saying they are not comfortable with this building because it doesn't meet with the Design Guidelines. The Design Guidelines are that this building fits in with the other buildings. It does not fit.

Mr. Astorino: Let us back up here for a moment. When you were at the first meeting, do you recall any discussion about this alternate building?

Mr. Singer: This building wasn't at the beginning.

Mr. Astorino: Yes. It was. This was at the first meeting. The first meeting back in December...I am going to correct you on that issue. They wanted something that was somewhat different from what was out there. He did not want another barn structure. I believe as Planning Board members, we sat back and said we have 3 other architects sitting at the other end of the table. We said, we would damn well use them. That is their job. They brought out the point that it could be something more of a focal point, something that could enhance the site. Correct me if I am wrong, but that was where we started in December. As Dennis pointed out very well, we have a few weeks here, we have some materials, and we have some comments. Penny, at this point let us see if we could get some clear direction on what we have. We will go from there. Ted had just pointed out that this building does meet the Design Standards.

Mr. Singer: It doesn't blend in with the other buildings. He has also pointed that out.

Adrian Goddard: The ARB had said that it shouldn't blend in with the other buildings.

Mr. Showalter: Mr. Chairman, I would like you to make a recommendation to the members of the ARB to do their best to use their best diligence to get a decision made for this project.

Mr. Astorino: We will have a chat. That is not a problem.

Mr. Singer: I think they would have to do that. They would have to have another meeting with the Architect.

Adrian Goddard: Where are the comments? What are we supposed to do? There is nothing more we could do.

Mr. Astorino: Adrian, you get in contact with the ARB tomorrow. You will go from there. Please give our secretary a call to let us know the status on this. Penny, the samples of the building will be in the office tomorrow.

Laura Barca: When I look at the ARB comments, and I am not an architect, there are three different comments that I pulled out here. The ARB talks about the rooftop and the ground level mechanical equipment being screened.

Mr. Astorino: We also need to see that. What size air conditioning unit are you putting up? Are you putting an air conditioning unit up there?

Rob Spiak: Yes.

Mr. Astorino: You will need to show us the size and where it is going to be.

Mr. Bollenbach: Laura, what was the next ARB comment?

Laura Barca: The next comment was in regards to the cladding. I don't really know what that means. If there are questions about that then communication should be made to figure out what the ARB is actually looking for. You might already have that information. They might not have seen it.

Rob Spiak: Sure.

Laura Barca: The third comment is to see how all of these buildings relate to each other. Ted Fink has also mentioned that.

Mr. Astorino: Ok. Adrian, get in contact with the ARB on this. Laura what other comments from HDR's comments that are relevant this evening? Are they all standard comments that we have seen before?

Dave Getz: I could answer that. Comments 13 through 22 all relate to the marginal access road. I need some feedback on that.

Mr. Bollenbach: Dave, I will get back to you on that. It won't hold anything up.

Dave Getz: Ok.

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

Mr. Fink: The only other thing is that at the Work Session we talked about providing sitting arrangements.

Mr. Astorino: We want to see that.

Mr. Bollenbach: Has the landscaping detail been provided yet?

Mr. Fink: Yes. We do have a landscaping plan.

Mr. Astorino: Show us that sitting area.

Dave Getz: Ok.

Mr. Astorino: We will list comments 3 through 26 for the record. Does the applicant have anything further? We will have you on the 3/28/11 Work Session for the 4/6/11 Planning Board meeting. At that point, you probably could give us some direction as to where you are as far as the infiltration.

Dave Getz: Yes.

Mr. Astorino: I am sure we will hear something from the ARB at least by then if not before. Penny, by the Work Session you will have this resolved with your Board to us.

Penny Steyer: Thank you.

Dave Getz: Thank you.

Comment #3: Conservation Board comments (02/07/11) – no comments.

Comment #4: Architectural Review Board comments

- a. Buildings 2 and 3 have been formally recommended to the planning board
- b. Chase Bank comment letter dated March 13, 2011

Comment #5: OC Planning Department (12/09/10) – Night sky lighting advisory comment.

Comment #6: Checklist (J): Current project needs to be coordinated with emergency services (fire, ambulance & police). Letters dated 11/17/10; response from police dated 11/23/10 (no concerns).

Comment #7: Checklist (L) 9: Planning Board attorney to confirm that all easements, deed restrictions, and covenants are shown on the plans.

Comment #8: There is at least 1 entrance with lower than required lighting levels (Bldg 1 front).

Comment #9: According to §164-43.4.G, lighting levels around an ATM must be in accordance with NYS ATM Safety Act. The lighting levels around the proposed ATM must be modified to reflect the appropriate levels.

Comment #10: At least 2 light poles are located within a sidewalk (bldg 2 ADA ramp and bldg 3 front sidewalk); the lights should be moved. In numerous other locations, light poles are located in the same place as shade trees. Please coordinate the lighting and landscaping plans.

Comment #11: Provide nighttime lighting levels to show security lighting levels.

Comment #12: Checklist (L) 41: Is the PB requiring estimates of noise generation at this project site? Applicant submitted noise levels in EAF (not expected to be significantly higher than ambient levels).

Comment #13: The language on Sheet 1 (on the site plan itself) states that the Marginal Access is to be dedicated... the language should be changed to the satisfaction of the planning board attorney.

Comment #14: Building 2 architectural floor plans do not match site plans. Building 3 floor plans show two rear doors. Verify all doors have sidewalk access.

Comment #15: A complete signage and striping plan (with appropriate details, i.e., Do Not Enter, One Way, etc.) should be submitted for the project site. Details have been added; overall plan needs to be shown.

Comment #16: Add a note to the plan: If the proposed uses for the remaining buildings are not known at the time of site plan approval for Fairgrounds #2, then the Applicant will have to make an application for an amended site plan approval if the proposed use requires substantially changes to the approved building. All other buildings, either previously approved or still conceptual must be shown. Prior to each approval the Applicant shall demonstrate that the parking space requirements, stormwater (in accordance with the Town Code requirements and including permeable pavers), water, and sewage needs have been provided.

Comment #17: OCDOH approval of modified water supply permit (approved design flow of 5,000 gpd proposed to be modified to 10,000 gpd).

Comment #18: NYSDEC approval of modified sewerage discharge system (approved design flow of 5,000 gpd proposed to the modified to 10,000 gpd).

Comment #19: Allowance in the size of the sewer main for connection to Homarc and bowling alley parcels.

Comment #20: Possible re-location of sanitary sewer manhole to minimize disturbance for future connections to sanitary system.

Comment #21: Repair of infiltration problem at existing sewer facility (e.g., groundwater infiltration at pipe penetrations in the comminutor tank and possibly other tanks).

Comment #22: Sheet 1 Notes 9 and 17 seem to contradict each other; it is the Town's understanding that the Applicant has agreed to construct the marginal access road if the Town obtains the appropriate permits.

Comment #23: The Applicant's wetland specialist should prepare a letter to the Planning Board stating that a wetland delineation was completed, including the date of delineation, who did the delineation, and appropriate data sheets.

Comment #24: As a conditional of final site plan approval for Fairgrounds #2, a three-ring binder with all color, texture, roofing samples, etc. shall be submitted and retained with the Building Department after final approval is granted.

Comment #25: Payment of all fees.

Comment #26: Payment of all bonds (landscaping, performance, construction trailer removal bond, construction inspection fees for landscaping and performance, and traffic mitigation fees).

Dr. Donald McCain and Imelda McCain

Application for Site Plan Approval for the construction and use of a pond located within “A Designated Protection Area” of Wawayanda Creek, situated on tax parcels S 49 B 1 L 90 and L 33.2; project located on the northern side of State Highway 94 South 485 feet east of Wawayanda Road, (230 State Highway 94 South), in the RU zone, of the Town of Warwick. Previously discussed at the 2/7/11 Planning Board meeting.

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

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 08/29/10
 - a. How many trees were cleared? (15±; mostly shrubs)
 - b. To what extent was grading & excavating conducted?
4. Additional Comments: 02/07/11
 - a. Wetlands need to be properly delineated.
 - b. All new trees should be from approved species list.
5. Architectural Review Board comments:
 - a. No comments submitted (08/28/10)
6. OCPD, dated August 27, 2010: local determination with **binding comment** that a portion of Pond A is located within 100-ft of Wawayanda Creek and pond should be redesigned and relocated.
7. OCPD, dated 02/17/11: local determination with **binding comment** that a wetland be created that is 2X the size of the disturbance within 100-ft of Wawayanda Creek.
8. A shared driveway agreement for the driveways on lots 49-1-89 and 49-1-90 should be submitted; both are owned by Dr. & Mrs. McCain.
9. According to §150-4, over 0.25-acre is not allowed to be cleared without a permit from the building department citing any planning board requirements.
10. On September 30, 2010 there was a significant rain event and it is believed that the installed berm and trees along Route 94 created a condition where stormwater ponding occurred; the Applicant should submit revised plans that show how this condition will be corrected. The drainage details have been added to Sheet 3; however, the location measured from a known location should be shown on Sheets 1 and 2.
11. The drainage swale detailed on Sheet 3 should also show a culvert under the existing driveway for lot 49-1-90.
12. The Applicant has agreed to place some of the exterior lights on a timer. The lights that will be placed on a timer should be identified and the times the lights will be turned on and off should be stated on the plan.
13. Additional lighting details must be provided: specification sheet, including proposed color, wattage, etc.
14. The declaration information for the Aquifer and Agricultural Protection Overlays must be shown on the plan prior to the Chairman’s signature.
15. Surveyor to certify that iron rods have been set at all property corners.
16. Payment of all fees.

The following comment submitted by the Conservation Board, dated 3/16/11:

Dr. Donald McCain and Imelda McCain - The CB notes the OC Department of Planning Binding Comment that the wetland be constructed on the site that, at a minimum, is “twice as large in size as the portion of the designated protection area that was filled in for this project.” It is not clear exactly how much area was filled. Is it the 3.7 acres referenced on comment No. 18 of HDR’s draft document for the 3/7/2011 PBWS or the “more than 1/4 –acre disturbed without benefit of a permit” referenced in the HDR Introduction or both? Since the goal is to mitigate a disturbed wetland, then how is the applicant going to assure that the new wetland is a functioning wetland as opposed to just wet land?

The following comment submitted by the ARB:

Dr. Donald McCain and Imelda McCain – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has declared itself Lead Agency on this application. There are a number of SEQR comments in the review comments tonight.

Comment #2: Applicant to discuss project.

Dave Getz: Since our last appearance, we have been addressing technical comments from Laura. We have provided some more details. We are still trying to get you some more lighting information. I have some lighting information to discuss with you tonight. The applicant’s Electrician was supposed to get us lighting information by today to submit to Connie. We did not receive that information from the Electrician today. We hope to get that information in within the next day or two.

Mr. Astorino: Ok.

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

- a. How many trees were cleared? (15±; mostly shrubs)
- b. To what extent was grading & excavating conducted?

Mr. Astorino: We have a comment from the Conservation Board, dated 3/16/11. The Conservation Board states the following; “*The CB notes the OC Department of Planning Binding Comment that the wetland be constructed on the site that, at a minimum, is “twice as large in size as the portion of the designated protection area that was filled in for this project.” It is not clear exactly how much area was filled. Is it the 3.7 acres referenced on comment No. 18 of HDR’s draft document for the 3/7/2011 PBWS or the “more than 1/4 –acre disturbed without benefit of a permit” referenced in the HDR Introduction or both? Since the goal is to mitigate a disturbed wetland, then how is the applicant going to assure that the new wetland is a functioning wetland as opposed to just wet land?*” We do know how much was disturbed. Laura, is that right?

Laura Barca: Yes.

Mr. McConnell: It was 3,000 square feet.

Mr. Astorino: That is what I thought.

Dave Getz: In our cover letter to the Board, Karen Emmerich wrote a response saying that a lot of the work that had been done expanding Pond B for example included expanding the water area and planting some very nice material. We feel the recommendation to expand or do any kind of disturbance of the water area would not be of any benefit at this point. I think you agreed at the site visit on what had been done was tastefully done. To go and create additional areas and disturbance, we think would be counterproductive.

Mr. Astorino: Do any Board members have any comments?

Mr. McConnell: Are you using the phrase "water area" as equivalent to wetland?

Dave Getz: No.

Mr. McConnell: Ok. I think we kind of lost sight of this. Yes, they had built a very nice pond there. But, they disturbed wetlands. Wetlands serve a specific purpose or purposes. Those are not replicated by a pond.

Dave Getz: The delineated wetlands the mapped wetlands comes from the National Wetlands Inventory (NWI) are located at the hatched area further down the stream indicating the area where Pond A was filled was not wetlands according to the NWI.

Mr. McConnell: I thought the one plan that we looked at showed a line of disturbance of 3,000 square feet of wetlands.

Laura Barca: No. That was a disturbance within 100 feet of Wawayanda Creek because Wawayanda Creek is a Designated Protection Area.

Dave Getz: Right.

Mr. Astorino: So, it wasn't actual wetlands that was destroyed.

Dave Getz: That is right. It was calculated very carefully the amount of disturbance in accordance to the Town Code of a Designated Protection Area.

Mr. McConnell: Ok.

Mr. Astorino: What is the Board's feeling on this? Are we ok with the way it is?

Mr. Showalter: I think it is fine.

Mr. Singer: Yes.

Mr. Kowal: Yes.

Mr. McConnell: I am still not real happy with it. I don't have to be.

Comment #4: Additional Comments: 02/07/11

- a. Wetlands need to be properly delineated.
- b. All new trees should be from approved species list.

Dave Getz: We do not want to change what is there.

Mr. Astorino: Ok. Do the wetlands on the site have to be delineated?

Laura Barca: That was a comment from the Conservation Board. I think they are because they are not even in the area that was disturbed.

Mr. Astorino: Are you comfortable with the way it is right now?

Laura Barca: Yes.

Comment #5: Architectural Review Board comments:

- a. No comments submitted (08/28/10)

Comment #6: OCPD, dated August 27, 2010: local determination with **binding comment** that a portion of Pond A is located within 100-ft of Wawayanda Creek and pond should be redesigned and relocated.

Comment #7: OCPD, dated 02/17/11: local determination with **binding comment** that a wetland be created that is 2X the size of the disturbance within 100-ft of Wawayanda Creek.

Mr. Bollenbach: We could strike Comments 1 through 7.

Comment #8: A shared driveway agreement for the driveways on lots 49-1-89 and 49-1-90 should be submitted; both are owned by Dr. & Mrs. McCain.

Dave Getz: We will provide that.

Comment #9: According to §150-4, over 0.25-acre is not allowed to be cleared without a permit from the building department citing any planning board requirements.

Dave Getz: Right.

Comment #10: On September 30, 2010 there was a significant rain event and it is believed that the installed berm and trees along Route 94 created a condition where stormwater ponding occurred; the Applicant should submit revised plans that show how this condition will be corrected. The drainage details have been added to Sheet 3; however, the location measured from a known location should be shown on Sheets 1 and 2.

Dave Getz: We submitted some information. We will submit additional information.

Comment #11: The drainage swale detailed on Sheet 3 should also show a culvert under the existing driveway for lot 49-1-90.

Dave Getz: We will provide that.

Comment #12: The Applicant has agreed to place some of the exterior lights on a timer. The lights that will be placed on a timer should be identified and the times the lights will be turned on and off should be stated on the plan.

Comment #13: Additional lighting details must be provided: specification sheet, including proposed color, wattage, etc.

Dave Getz: Regarding Comments 12 and 13, we have some lighting information. We are going to take out the lights that are glaring. They have taken some out already.

Mr. Astorino: It conforms to the Code?

Dave Getz: Right. There will be a lot of low level 12 watt compact fluorescent fixtures. We will provide those details.

Mr. Astorino: Ok.

Comment #14: The declaration information for the Aquifer and Agricultural Protection Overlays must be shown on the plan prior to the Chairman's signature.

Dave Getz: Ok.

Comment #15: Surveyor to certify that iron rods have been set at all property corners.

Dave Getz: Ok.

Comment #16: Payment of all fees.

Dave Getz: Yes.

Mr. Astorino: Do any Board Members or Professionals have any further comments at this time? Does the Board want to set the McCain application for a public hearing.

Mr. McConnell makes a motion to set the Dr. Donald McCain and Imelda McCain Site Plan application for a Public Hearing at the next available agenda.

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

Dave Getz: Thank you.

Global Tower Partners 15 Pysners Peak Wireless Facility

Application for Site Plan Approval and Special Use Permit for the “**Renewal**” of the Special Use Permit for the continued use of an existing wireless telecommunications facility, situated on tax parcel S 58 B 1 L 18.22; project located on the eastern side of Pysners Peak 690± feet north of State Highway 17A (15 Pysners Peak), in the MT zone, of the Town of Warwick.

Representing the applicant: Neil Alexander from Cuddy & Feder.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments:
4. Architectural Review Board comments:
5. Wireless Telecommunication Facility Board comments:
6. OCPD: pending submittal
7. §164-79.A.(1) and (4) The color of the two monopole towers and cabinets are required to be non-reflective; the Applicant should confirm the colors of these items.
8. §164-79.A.(1)(a) The Planning Board must determine if additional landscaping should be installed.
9. §164-79.A.(2) All lighting, including existing, must be in compliance with §164-43.4, where are lighting features are shielded/facing downward; Applicant to confirm.
10. §164-79.A.(3)(a) All signage, including existing, must be in compliance with §164-43.1; Applicant to confirm.
11. §164-79.A.(3)(b) Applicant to confirm that “No Trespassing” signs, a 24-hr emergency number, and Danger-High Voltage signs are required/posted.
12. §164-80.C.(2) If any equipment associated with the wireless telecommunication facility is not currently being utilized it should be noted for removal; Applicant to confirm.
13. §164-80.B.(1). This special use application requires proof that the Applicant is a licensed carrier; none was submitted.
14. A short EAF must be submitted, even if the action will likely be considered Type II.
15. On the Special Use application form, page 1 #8, the project location should be corrected to state that the project is located at 15 Pysners Peak; it is not located on Kain Road.
16. On the Special Use application form, page 1 #9 - a copy of the deed must be submitted.
17. On the Special Use application form, page 1 #11 must be completed (bulk table for zone and use group).
18. On the Special Use application form, page 1 #12 should state that this application is for the renewal of a special use permit that was previously granted (you are not proposing to construct a cell tower at this time).
19. If the Attorney is signing the Application form on behalf of Global Tower (Page 2 of 3), you must sign under the proxy statement.
20. The Special Use checklist should be completed to the extent possible and signed/dated on the last page 8. At a minimum, the Ag Data statement should reference the Buckbee farm; other nearby farms, if any, should also be listed.
21. The applicant provided a structural analysis report for the 223 ft tower. The 223 ft tower has been inspected as per the latest structural analysis report and is found to be in good condition. The latest ANSI-TIA-222-G standards were used in the analysis report (good). The existing foundation was not evaluated due to lack of information, but based

on remaining capacity; the foundation should be within allowable tolerances. HDR DID NOT REVIEW THE STRUCTURAL ANALYSIS IN DETAIL.

22. A NYS PE provided certification that the 223-ft tower is structurally capable of supporting loads, but the structural engineer notes that the analysis did not include proposed loading. If any changes are proposed in the future, a new structural analysis must be conducted by the Applicant. The Applicant must comply with all the recommendations suggested by structural engineers in their analysis report as a condition of approval by the Town.
23. Appendix C of the Structural Analysis (Due Diligence Report, 11/12/10) identified deficiencies and recommendations (priority A through E). It is recommended that the Applicant provide a schedule of how and when these items will be addressed.
24. The Structural Analysis did not include the structural integrity of the adjacent 180-ft lattice structure.
25. The Noise Report appears to be adequate and did not exceed 50 dba (a requirement of the Town Code).
26. If any changes are proposed in the future, a new noise analysis must be conducted by the Applicant.
27. Cumulative RF emissions generated from both the 223ft and 180 ft lattice towers combined fall substantially below 1% of the FCC's general population exposure limit at any distance from the base of the structures (they did field readings in Aug 2010; it is understood that field readings were in proximity to the 2 towers; a reference map would be good to have, but not necessary). There is full compliance with the standards of IRPA, FCC, IEEE, ANSI and NCRP.
28. If any changes are proposed in the future, a new RF analysis must be conducted by the Applicant.
29. There is an existing drainage problem with stormwater running from Pysners Peak onto Kain Road; this is being managed directly with TW DPW. A note should be added to the plans with the bond amount and an estimated completion date (i.e., May 31, 2011).
30. Private Road Notes should be shown on the plans.
31. The declaration information for the Ridgeline Overlay Notes will need to be shown on the drawing.
32. Payment of all fees.
33. In accordance with §164-86.C, the Special Use Permit is valid for 5 years. At that time, the Special Use Permit must either be renewed before the Planning Board or the tower removed.
34. The tower owner, holder of the Special Use Permit, shall submit evidence of compliance with the FCC standards, including Radio Frequency Radiation (RFR), on a yearly basis to the Planning Board (§164-78.D).
35. The tower owner, holder of the Special Use Permit, shall be structurally inspect the tower annually; this report shall be certified by a Professional Engineer (§164-83.B).
36. After Planning Board Approval of Special Use Permit, which is valid for 5 years, notification to the Building Department that the Special Use had been renewed.

The following comment submitted by the Conservation Board, dated 3/16/11:

Global Tower Partners 15 Pysners Peak Wireless Facility – The CB has no further comments.

The following comment submitted by the ARB:

Global Tower Partners 15 Pysners Peak Wireless Facility – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The short EAF had not been submitted by the applicant. Eventhough, this application is a Type 2 Action, you will need to submit a short EAF to the Planning Board.

Neil Alexander: I have a full packet here of information that will probably answer a lot of the questions.

Comment #2: Applicant to discuss project.

Neil Alexander: This is a wireless facility that was originally built by Dobson Cellular back in the 80's. It consists of 2 towers up at the site. There is a 223-foot lattice tower that is lit, striped, and marked. There is also 180-foot tall monopole at the site. What precipitated this renewal of the special use permit was when Verizon looked to collocate onto the 223-foot tower that is located up there. We are here to renew the special use permit that was originally granted to us. You have the County up there. You have several wireless carriers located there. At this point, Global Tower is the owner of that whole piece of property as well as all of the infrastructure that is located there. Back in 2004, the U.S. Department of Interior attempted to condemn the property and take it as part of the Appalachian Trail. In settlement of that case, they did not want to actually own a wireless facility. What we had done was execute conservation easements in the area immediately up against the property between our equipment compound and the Appalachian Trail. All of this information is in the packets that I have for you. Also in the packets are different color photos of the tower and what is going on.

Mr. Astorino: That is good. Give that stuff to our Secretary. She will put that on our next available agenda.

Connie Sardo: That would be submitted for the 4/11/11 Work Session.

Mr. Astorino: We will list Comments 3 through 36 for the record. Our Professionals will review everything that you have just submitted. Once they review everything, we will put you back on.

Laura Barca: Connie and or Ben, I realize that he missed the 4:00 p.m. deadline today.

Connie Sardo: He missed a few deadlines. We have other things on the next Work Session agenda.

Mr. Astorino: Let us see what the agenda looks like.

Laura Barca: Ok. But, Ted and I had just had a conversation, we wouldn't have a problem if the Board decided to allow to have them on the 4/6/11 Planning Board meeting.

Mr. Astorino: Let us see what we have on that agenda first.

Laura Barca: Ok.

Neil Alexander: I appreciate the help. The only thing I am wondering is do you want to send this to Orange County Planning? I don't think it needs to go to Orange County Planning.

Connie Sardo: It has already gone to Orange County Planning. I haven't heard a response from them yet. From day one when you submitted this application, I emailed you those items on the application that were submitted incomplete. I never heard any responses back from you.

Mr. Bollenbach: We haven't been supplied with the requested information.

Neil Alexander: This is a 20-year old facility that has been renewed on several different occasions with many carriers. We worked really hard trying to get updated structural information supplied.

Mr. Bollenbach: We will take a look at what you have. We will evaluate it.

Neil Alexander: I think I have everything you could possibly dream of.

Connie Sardo: I will contact you with the next available Work Session agenda.

Neil Alexander: We received your memo on the 7th. We have turned around everything that you have asked for. We will see you on either 4/6/11 or 4/11/11.

Connie Sardo: I will send you an email to let you know.

Neil Alexander: I just want to know what the possible date will be.

Mr. Bollenbach: It will be for the 4/11/11 Work Session agenda.

Neil Alexander: Ok. Thank you.

Comment #3: Conservation Board comments:

Comment #4: Architectural Review Board comments:

Comment #5: Wireless Telecommunication Facility Board comments:

Comment #6: OCPD: pending submittal

Comment #7: §164-79.A.(1) and (4) The color of the two monopole towers and cabinets are required to be non-reflective; the Applicant should confirm the colors of these items.

Comment #8: §164-79.A.(1)(a) The Planning Board must determine if additional landscaping should be installed.

Comment #9: §164-79.A.(2) All lighting, including existing, must be in compliance with §164-43.4, where are lighting features are shielded/facing downward; Applicant to confirm.

Comment #10: §164-79.A.(3)(a) All signage, including existing, must be in compliance with §164-43.1; Applicant to confirm.

Comment #11: §164-79.A.(3)(b) Applicant to confirm that "No Trespassing" signs, a 24-hr emergency number, and Danger-High Voltage signs are required/posted.

Comment #12: §164-80.C.(2) If any equipment associated with the wireless telecommunication facility is not currently being utilized it should be noted for removal; Applicant to confirm.

Comment #13: §164-80.B.(1). This special use application requires proof that the Applicant is a licensed carrier; none was submitted.

Comment #14: A short EAF must be submitted, even if the action will likely be considered Type II.

Comment #15: On the Special Use application form, page 1 #8, the project location should be corrected to state that the project is located at 15 Pysners Peak; it is not located on Kain Road.

Comment #16: On the Special Use application form, page 1 #9 - a copy of the deed must be submitted.

Comment #17: On the Special Use application form, page 1 #11 must be completed (bulk table for zone and use group).

Comment #18: On the Special Use application form, page 1 #12 should state that this application is for the renewal of a special use permit that was previously granted (you are not proposing to construct a cell tower at this time).

Comment # 19: If the Attorney is signing the Application form on behalf of Global Tower (Page 2 of 3), you must sign under the proxy statement.

Comment #20: The Special Use checklist should be completed to the extent possible and signed/dated on the last page 8. At a minimum, the Ag Data statement should reference the Buckbee farm; other nearby farms, if any, should also be listed.

Comment #21: The applicant provided a structural analysis report for the 223 ft tower. The 223 ft tower has been inspected as per the latest structural analysis report and is found to be in good condition. The latest ANSI-TIA-222-G standards were used in the analysis report (good). The existing foundation was not evaluated due to lack of information, but based on remaining capacity; the foundation should be within allowable tolerances. HDR DID NOT REVIEW THE STRUCTURAL ANALYSIS IN DETAIL.

Comment #22: A NYS PE provided certification that the 223-ft tower is structurally capable of supporting loads, but the structural engineer notes that the analysis did not include proposed loading. If any changes are proposed in the future, a new structural analysis must be conducted by the Applicant. The Applicant must comply with all the recommendations suggested by structural engineers in their analysis report as a condition of approval by the Town.

Comment #23: Appendix C of the Structural Analysis (Due Diligence Report, 11/12/10) identified deficiencies and recommendations (priority A through E). It is recommended that the Applicant provide a schedule of how and when these items will be addressed.

Comment #24: The Structural Analysis did not include the structural integrity of the adjacent 180-ft lattice structure.

Comment #25: The Noise Report appears to be adequate and did not exceed 50 dba (a requirement of the Town Code).

Comment #26: If any changes are proposed in the future, a new noise analysis must be conducted by the Applicant.

Comment#27: Cumulative RF emissions generated from both the 223ft and 180 ft lattice towers combined fall substantially below 1% of the FCC's general population exposure limit at any distance from the base of the structures (they did field readings in Aug 2010; it is understood that field readings were in proximity to the 2 towers; a reference map would be good to have, but not necessary). There is full compliance with the standards of IRPA, FCC, IEEE, ANSI and NCRP.

Comment #28: If any changes are proposed in the future, a new RF analysis must be conducted by the Applicant.

Comment #29: There is an existing drainage problem with stormwater running from Pysners Peak onto Kain Road; this is being managed directly with TW DPW. A note

should be added to the plans with the bond amount and an estimated completion date (i.e., May 31, 2011).

Comment #30: Private Road Notes should be shown on the plans.

Comment #31: The declaration information for the Ridgeline Overlay Notes will need to be shown on the drawing.

Comment #32: Payment of all fees.

Comment #33: In accordance with §164-86.C, the Special Use Permit is valid for 5 years. At that time, the Special Use Permit must either be renewed before the Planning Board or the tower removed.

Comment#34: The tower owner, holder of the Special Use Permit, shall submit evidence of compliance with the FCC standards, including Radio Frequency Radiation (RFR), on a yearly basis to the Planning Board (§164-78.D).

Comment #35: The tower owner, holder of the Special Use Permit, shall be structurally inspect the tower annually; this report shall be certified by a Professional Engineer (§164-83.B).

Comment #36: After Planning Board Approval of Special Use Permit, which is valid for 5 years, notification to the Building Department that the Special Use had been renewed.

Carroll Equipment / Steve Saufroy 2-Lot Subdivision

Application for Sketch Plat Review of a proposed 2-Lot (**Major**) subdivision, situated on tax parcel S 31 B 2 L 30.21; parcel located on the northern side of Denton Lane 880' east of Ackerman Road, in the RU zone, of the Town of Warwick. ZBA granted 280a Variance, granted on 10/27/08. ZBA Re-Granted 280a Variance, granted on 2/28/11. Previously discussed at the 2/7/11 Planning Board meeting.

Representing the applicant: Maureen Cozad, Applicant.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: pending
4. Architectural Review Board comments: pending
5. OCPD: 03/02/11; one advisory comment: low impact stormwater measures (e.g., rain gardens, open drainage swales, permeable pavement, drywells, etc.)
6. TW ZBA: 280(a) driveway access to a private road was granted 10/27/08 for 24 months; this approval has lapsed. A complete application must be submitted to the ZBA.
7. The Applicant may want to decrease the scale of the drawing (so that the site features appear larger); this map will eventually be filed with Orange County Clerk's Office and must conform to their requirements.
8. A separate plat sheet may be helpful to show the metes and bounds, easements, etc. for this proposed subdivision.
9. There appears to be contours shown through the pond; this should be corrected.
10. The proposed contours do appear to be shown and need to be shown.
11. The lots need to be numbered on Sheet 2 of the drawing set.
12. The Applicant does not need to design a replacement septic system, but it should be shown that there is a location that meets all separation requirements if the existing septic system fails.
13. It is noted for the record that the stabilized percolation rates shown on the plans seem rather quick for mardin soils (they were witnessed in accordance with Town protocols – 06/10/09). The location of the proposed septic system has been adjusted so that the soil test that did not stabilize is no longer in the proposed septic area, but the tests conducted are now all in the same area of the septic system instead of dispersed throughout the septic area.
14. Sheet 3 states that the Town Engineer witnessed the soil tests; this should be clarified with the name of the engineering company and date of the witnessing.
15. There are proposed trees shown on the drawing; a planting schedule, including species, size, and number should be added to the plan.
16. A planting detail must be added to the drawings for each type of planting being proposed.
17. There should be additional information on the plan relating to the restoration of the existing driveway that is being removed (e.g., removal of any material, 4-in. top soil, seeding, etc.). Note has been added to Sheets 1 and 2, but an existing dirt drive would need to be scarified, 4-in. of topsoil added, and a seeding detail is required.
18. Planning Board Planner to review line of sight profiles now provided on the plans.
19. The language stated that it is an "abandoned town road" should be removed; Denton Lane is a private road.
20. The liber and page references should be noted for the existing 45-ft right-of-way.

21. A copy of the private driveway maintenance agreement should be submitted with recording information.
22. Although the Applicant owns a strip of land to leads to Ackerman Road, the existing Denton Lane is not located solely on that strip of land. The access along the existing 45-ft ROW should be demonstrated.
23. There is a drainage pipe shown under the common driveway near Lot 2. The elevations of the pipe, the flows through the pipe, and the maintenance responsibilities of this pipe must be shown on the plan.
24. The proposed driveway to the existing home now goes to the opposite side of the home; the location of the garage door (if any) should be shown.
25. The stormwater management measures to control the drainage along both new driveways, including what they drain into must be shown on the drawing.
26. The scale of the symbols is too small, it is difficult to discern which is which on the plan.
27. Acer ginnala is a tree typically 15-20 ft at mature height. The planting schedule on Sheet 2 of the plans seems to indicate that a planting 1½" cal will be 40-60' tall; this note should be updated.
28. Hetz Juniper is typically 15ft tall at mature height and is not sold and planted at this size; plan should be updated to appropriate size.
29. There is a note on Sheet 2 that "trees not to exceed 15 ft in height." The meaning of this note should be clarified.
30. The Applicant should consider using native plants; both species specified are not native, and the acer has invasive tendencies.
31. Include planting notes, with warrantee information, mulch information, watering, contractor responsibilities, plants to be of American Nurseryman standards, etc.
32. A detail for tree protection during construction should be added to the plans.
33. A detail should be added for seeding the disturbed areas.
34. Letters should be sent to emergency services (ambulance, police, and fire department); the total length of driveway from Ackerman Road is approximately 1,800-ft for Lot 1 and 2,500-ft for Lot 2.
35. Application to provide 9-1-1- addressing.
36. The declaration information for the Agricultural and Ridgeline Notes will need to be shown on the drawing.
37. Surveyor to certify that iron rods have been set at all property corners.
38. Payment of recreation fees.
39. Payment of all fees.

The following comment submitted by the Conservation Board, dated 3/16/11:

Carroll Equipment/Steve Saufroy 2-Lot Subdivision - The CB has no further comments, but supports the comments of the Orange County Department of Planning to consider using micro-scale bioretention facilities, e.g., rain gardens, open drainage swales, curbless parking areas, permeable pavement and dry wells.

The following comment submitted by the ARB:

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

Comment #1: Planning Board to discuss SEQRA.

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

Comment #2: Applicant to discuss project.

Mr. Astorino: Ok. We heard it before. We heard about this at the last meeting. We know it is a 2-Lot subdivision. Is there anything else you want to go through? Laura, are there any comments that stand out to you here tonight?

Laura Barca: No.

Comment #3: Conservation Board comments: pending

Mr. Astorino: We have a comment from the Conservation Board, dated 3/16/11 as follows; *“The CB has no further comments, but supports the comments of the Orange County Department of Planning to consider using micro-scale bioretention facilities, e.g., rain gardens, open drainage swales, curbless parking areas, permeable pavement and dry wells”*. There is no reason to put any stormwater facilities on this site. It is a residence. I am not sure where Orange County Planning is going with that.

Laura Barca: They could put in a rain garden instead of a drywell.

Mr. Astorino: Is a drywell proposed?

Laura Barca: I don't know. I am just saying that is what they could be saying.

Mr. Astorino: I am just saying that I don't think there is a drywell proposed. Laura, if that is the case, we could recommend that if there is something proposed for that.

Laura Barca: Ok.

Mr. Astorino: We will list comments 6 through 39 for the record. I think they are all technical in nature. Does any Board member want to set this application for a public hearing?

Mr. McConnell makes a motion to set the Carroll Equipment/ Steve Saufroy application for a Preliminary Public Hearing at the next available agenda.

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

Mr. Astorino: Your Engineer will need to address these comments and resubmit back to us. Once he resubmits revised plans, we will put you on for a public hearing at the next available agenda.

Maureen Cozad: Ok. Thank you.

Comment #4: Architectural Review Board comments: pending

- Comment #5: OCPD: 03/02/11; one advisory comment: low impact stormwater measures (e.g., rain gardens, open drainage swales, permeable pavement, drywells, etc.)
- Comment #6: TW ZBA: 280(a) driveway access to a private road was granted 10/27/08 for 24 months; this approval has lapsed. A complete application must be submitted to the ZBA.
- Comment #7: The Applicant may want to decrease the scale of the drawing (so that the site features appear larger); this map will eventually be filed with Orange County Clerk's Office and must conform to their requirements.
- Comment #8: A separate plat sheet may be helpful to show the metes and bounds, easements, etc. for this proposed subdivision.
- Comment #9: There appears to be contours shown through the pond; this should be corrected.
- Comment #10: The proposed contours do appear to be shown and need to be shown.
- Comment #11: The lots need to be numbered on Sheet 2 of the drawing set.
- Comment #12: The Applicant does not need to design a replacement septic system, but it should be shown that there is a location that meets all separation requirements if the existing septic system fails.
- Comment #13: It is noted for the record that the stabilized percolation rates shown on the plans seem rather quick for mardin soils (they were witnessed in accordance with Town protocols – 06/10/09). The location of the proposed septic system has been adjusted so that the soil test that did not stabilize is no longer in the proposed septic area, but the tests conducted are now all in the same area of the septic system instead of dispersed throughout the septic area.
- Comment #14: Sheet 3 states that the Town Engineer witnessed the soil tests; this should be clarified with the name of the engineering company and date of the witnessing.
- Comment #15: There are proposed trees shown on the drawing; a planting schedule, including species, size, and number should be added to the plan.
- Comment #16: A planting detail must be added to the drawings for each type of planting being proposed.
- Comment #17: There should be additional information on the plan relating to the restoration of the existing driveway that is being removed (e.g., removal of any material, 4-in. top soil, seeding, etc.). Note has been added to Sheets 1 and 2, but an existing dirt drive would need to be scarified, 4-in. of topsoil added, and a seeding detail is required.
- Comment #18: Planning Board Planner to review line of sight profiles now provided on the plans.
- Comment #19: The language stated that it is an "abandoned town road" should be removed; Denton Lane is a private road.
- Comment #20: The liber and page references should be noted for the existing 45-ft right-of-way.
- Comment #21: A copy of the private driveway maintenance agreement should be submitted with recording information.
- Comment #22: Although the Applicant owns a strip of land that leads to Ackerman Road, the existing Denton Lane is not located solely on that strip of land. The access along the existing 45-ft ROW should be demonstrated.
- Comment #23: There is a drainage pipe shown under the common driveway near Lot 2. The elevations of the pipe, the flows through the pipe, and the maintenance responsibilities of this pipe must be shown on the plan.
- Comment #24: The proposed driveway to the existing home now goes to the opposite side of the home; the location of the garage door (if any) should be shown.
- Comment #25: The stormwater management measures to control the drainage along both new driveways, including what they drain into must be shown on the drawing.

Comment #26: The scale of the symbols is too small, it is difficult to discern which is which on the plan.

Comment #27: Acer ginnala is a tree typically 15-20 ft at mature height. The planting schedule on Sheet 2 of the plans seems to indicate that a planting 1½" cal will be 40-60' tall; this note should be updated.

Comment #28: Hetz Juniper is typically 15ft tall at mature height and is not sold and planted at this size; plan should be updated to appropriate size.

Comment #29: There is a note on Sheet 2 that "trees not to exceed 15 ft in height." The meaning of this note should be clarified.

Comment #30: The Applicant should consider using native plants; both species specified are not native, and the acer has invasive tendencies.

Comment#31: Include planting notes, with warrantee information, mulch information, watering, contractor responsibilities, plants to be of American Nurseryman standards, etc.

Comment #32: A detail for tree protection during construction should be added to the plans.

Comment #33: A detail should be added for seeding the disturbed areas.

Comment #34: Letters should be sent to emergency services (ambulance, police, and fire department); the total length of driveway from Ackerman Road is approximately 1,800-ft for Lot 1 and 2,500-ft for Lot 2.

Comment #35: Application to provide 9-1-1- addressing.

Comment #36: The declaration information for the Agricultural and Ridgeline Notes will need to be shown on the drawing.

Comment #37: Surveyor to certify that iron rods have been set at all property corners.

Comment #38: Payment of recreation fees.

Comment #39: Payment of all fees.

Other Considerations:

1. **Pine Island Bible Church & Eurich Lot Line Change** – Letter from John McGloin, PLS., dated 2/3/11 addressed to the Planning Board in regards to Pine Island Bible Church & Eurich Lot Line Change – requesting “**Re-Approval**” of Final Approval of a proposed Lot Line Change, situated on tax parcels SBL # 15-2-2.22 and 4.1; parcels located on the southerly side of Little Brooklyn Road 400± feet east of C.R. #1, in the SM zone, of the Town of Warwick. Conditional Final Approval was granted on, 2/17/10. The 6th Month Extension was granted on, 8/4/10 became effective on, 8/17/10. *The applicant has stated that the client’s attorney became aware of the need to have Court approval for the church to transfer the parcel shown on the Lot Line Change Map to the Eurich’s. The required paperwork has been submitted to the O.C. Supreme Court and they are awaiting for a response.* “Re-Approval” of Final Approval becomes effective on, 2/17/11 subject to the conditions of Final Approval granted on, 2/17/10.

Mr. McConnell: Has this been delayed because of our spotty schedule lately?

Mr. Astorino: It could have been.

Mr. Bollenbach: They thought they would have had the court approval. But, they do not have it yet. For a church or non-profit organization to dispose of real property that requires a court order.

Mr. McConnell: Ok. I understand it fell through the cracks. I was just wondering if it fell through the cracks because of us or them.

Mr. Astorino: Our schedule has been somewhat sketchy due to snow.

Mr. McConnell makes a motion on the Pine Island Bible Church & Eurich Lot Line Change application, granting “**Re-Approval**” of Final Approval of a proposed Lot Line Change, situated on tax parcels SBL # 15-2-2.22 and 4.1; parcels located on the southerly side of Little Brooklyn Road 400± feet east of C.R. #1, in the SM zone, of the Town of Warwick, County of Orange, State of New York. Conditional Final Approval was granted on, 2/7/10. (See attached) Re-Approval of Final Approval becomes effective on, 2/17/11, subject to the conditions of Final Approval granted on, 2/17/10.

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

2. **John G. Pennings 4-Lot Subdivision + Lot Line Change** – Letter from John McGloin, PLS., dated 2/3/11 addressed to the Planning Board in regards to John G. Pennings Subdivision – requesting a 6th Month Extension of “Amended” Final Approval of a proposed 3-Residential Lots + 1-Commercial Lot subdivision and Lot Line Change, situated on tax parcels SBL # 63-1-1.22 & 51-2-26.21; parcels located on the corner of Pennings Lane and Hoyt Road, in the DS/RU zones, of the Town of Warwick. Conditional Final Approval was granted on, 9/1/10. *The applicant has stated that they are in the process of filing the declarations and that Mr. Penning’s Attorney has been in contact with the Planning Board’s Attorney with regard to proposed access easements and the future marginal access road shown on the plan*

and that the paperwork is in process. The 6th Month Extension becomes effective on, 3/1/11.

Mr. McConnell makes a motion on the John G. Pennings application, granting a 6th Month Extension on “Amended” Final Approval of a proposed 3-Residential Lots + 1-Commercial Lot subdivision and Lot Line Change. SBL # 63-1-1.22 & 51-2-6.21. Amended Conditional Final Approval was Granted on, 9/1/10. The 6th Month Extension becomes effective on, 3/1/11.

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

3. **Lands of Mante** – Letter from Kirk Rother, P.E., dated 3/1/11 addressed to the Planning Board in regards to the Lands of Mante Subdivision – requesting a 6th Month Extension on Re-Approval of Final Approval of a proposed 2-Lot subdivision, situated on tax parcel SBL # 47-1-78.234; parcel located on the eastern side of Bellvale Lakes Road 2,725 feet south of Rabbitt Hill Road, in the MT zone, of the Town of Warwick. Conditional Final Approval was granted on 9/2/09. Re-Approval of Final Approval was granted on 10/6/10 became effective on 9/2/10. *The applicant is waiting on his attorney to complete the legal documents associated with the subdivision. The project Surveyor also needs to monument the property corners. Given the winter weather, this item has not been completed as of this date.* The 6th Month Extension on Re-Approval of Final Approval becomes effective on, 3/2/11, subject to the conditions of final approval granted on 9/2/09.

Mr. McConnell makes a motion on the Lands of Mante application, granting a 6th Month Extension on “Re-Approval” of Final Approval of a proposed 2-Lot subdivision. SBL # 47-1-78.234. Conditional Final Approval was granted on 9/2/09. Re-Approval of Final Approval was granted on 10/6/10 became effective on, 9/2/10. The 6th Month Extension on Re-Approval of Final Approval becomes effective on, 3/2/11, subject to the conditions of final approval granted on 9/2/09.

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

4. **BCM Subdivision** – Letter from Dave Higgins, Lanc & Tully Engineering, dated 3/14/11 addressed to the Planning Board in regards to the BCM Subdivision – requesting a 6th Month Extension on Preliminary Approval for filing a 42-Lot Subdivision in Sections and Final Approval for Section I to consist of a proposed 12-Lot Subdivision, situated on tax parcel SBL # 44-1-50.224; parcel located along the northerly side of State Hwy 17A 500 feet east of Ketchum Road and Pumpkin Hill Road in the SL zone, of the Town of Warwick. Preliminary and Final Approval was granted 9/1/10. *The applicant has stated that given the state of the economy, progress towards meeting the conditions of the approval has been slow.* The 6th Month Extension becomes effective on, 3/1/11.

Mr. McConnell: Do we know which conditions of the approval? It seems to me originally with this there was a need for them to put a lot of money into the infrastructure for a water system and etc.. that the connection with the sectionalizing, there was an approval or if they could do a septic for that one model home.

Mr. Astorino: They still have to put up a bond for the improvements, the water, and the road.

Mr. McConnell: It was a holding thing. I thought we had reduced that.

Mr. Astorino: What I understand there is a funding problem. I think their funding level from the bank is non-existing. They were trying to get investors involved.

Mr. McConnell: It is certainly understood.

Mr. Astorino: I really think that is the issue.

Mr. McConnell: This Board has gone through some distance to try to help them.

Mr. Astorino: Yes. I think it is funding issues.

Mr. McConnell: Ok.

Mr. McConnell makes a motion on the BCM Subdivision, granting a 6th Month Extension on Preliminary Approval for filing a proposed 42-Lot cluster subdivision in Sections and Final Approval for Section 1 to consist of a proposed 12-Lot cluster subdivision. SBL # 44-1-50.224. Preliminary and Final Approval was granted on 9/1/10. The 6th Month Extension becomes effective on, 3/1/11.

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

5. Planning Board Minutes of 2/7/11 – Planning Board Minutes of 2/7/11 for Planning Board's Approval.

Mr. McConnell makes a motion to Approve the 2/7/11 Planning Board Minutes.

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

Correspondences:

1. Letter from Penny Steyer, dated 2/6/11 received at the 2/7/11 Planning Board Meeting addressed to the Planning Board – in regards to Warwick Views Subdivision on Karst.
2. A tragic case history study from Arthur N. Palmer, 2007, Cave Geology received from Kathryn Lomax at the 2/7/11 Planning Board Meeting.
3. Letter from John Cappello, Attorney, Jacobowitz & Gubits, dated 2/9/11 addressed to the Planning Board – in regards to the Warwick Views Subdivision.
4. Letter addressed to David Church, Acting Director O.C. Water Authority from PB Chairman, Benjamin Astorino, dated 2/9/11 – in regards to the Warwick Views Subdivision & Karst Geology in the Town of Warwick.
5. Warwick Views Subdivision Fact Sheet (January 2011) Prepared by Planning Board Engineer, Laura Barca / HDR.

Mr. Astorino: We have correspondences 1 through 5 in our packets. Those correspondences have been reviewed by us.

Mr. Showalter: Ben, is that Warwick Views Fact Sheet going to be available to anyone who requests it?

Mr. Astorino: Yes.

Connie Sardo: People have been requesting it.

Mr. Showalter: Excellent.

Mr. Bollenbach: Is it online?

Mr. Astorino: No. They could get it through the Planning office or call Connie.

Connie Sardo: No. It is not online.

Mr. Astorino: Do any Board Members or Professionals have anything further?

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 16, 2011 Planning Board meeting.

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