

TOWN OF WARWICK PLANNING BOARD

March 20, 2013

Members present: Chairman, Benjamin Astorino  
Roger Showalter, Vice-Chairman  
Dennis McConnell, Beau Kennedy,  
Paul Ruskiewicz  
Laura Barca, HDR Engineering  
John Bollenbach, Planning Board Attorney  
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, March 20, 2013 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.

**Review of Submitted Maps:**

***Stephen Pennings, Et. Al c/o Richard Pennings***

Application for Final Approval of a proposed 3-Lot subdivision + 1-Commercial Lot entitled, ***Orchard Valley***, situated on tax parcel S 51 B 1 L 36; parcel located along the southern side of State Highway 94 at the intersection of Warwick Turnpike (CR 12), in the RU/CB zones, of the Town of Warwick, County of Orange, State of New York. Preliminary Approval was granted on, 2/20/13.

Representing the applicant: Kirk Rother, P.E.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 12/05/11 no comments
4. Architectural Review Board comments: 02/19/13 no comments at this time
5. OCPD: 12/14/11 letter with advisory comment to coordinate with OCDPW.
6. OCDPW: approval letter dated 03/08/13; will need highway work permit before construction
7. NYSDOT: submitted 02/25/13; NYSDOT may revise the entranceway slightly to avoid utility pole
8. The bulk requirements table for the RU and RR-5 zones should be revised to include the proposed dimensions.
9. The applicant is proposing a "Flag Lot" for Lot 4 of the subdivision. According to § 137-21 K. (2) (b) flag lots are not permitted with frontage on a State or County Highway. (requesting waiver from the Planning Board)
10. The applicant shall revise the front, side, and rear yard setbacks for Lots 2 and 4 so they are shown in accordance with Chapter 164 of the Town of Warwick Code.
11. The applicant shall revise the areas acreage for each lot is the same on each sheet. Currently the area for Lot 4 varies from Sheet 1 to Sheet 2.

12. The references to the DS zoning district should be removed from the plan; this zoning district has been replaced with the CB zoning district.
13. The plans state that there are four property owners; all four owners should sign the application form or if there is a power of attorney, that documentation shall be submitted and the application re-signed.
14. The sight distance should be shown along Warwick Turnpike at the location of the new driveway entrance.
15. The applicant shall revise the proposed grading for the driveway pad near the dwelling on Lots 3 and 4. The proposed grading depicts grades of 10 percent in these areas which may make it difficult to enter and exit the garages.
16. The applicant shall provide approximate finished floor elevations for each dwelling. In addition, spot elevations should be provided at each corner of the dwelling and garage entrances to demonstrate positive pitch away from the dwelling.
17. The plans should be updated to show grading for the proposed swales. In addition, sizing calculations should be provided to demonstrate the swale is adequately sized to pass the required storm event. A detail of the proposed swale should be included on the detail sheet.
18. On Sheet 4, the title of the swale detail should be revised to remove the word "septic." In addition, dimensions should be provided.
19. Calculations should be provided to demonstrate the rip rap has been sized in accordance with the New York State DEC Standards and Specifications for Erosion and Sediment Control, latest edition.
20. The applicant shall provide an Erosion & Sediment Control plan developed in accordance with the NYSDEC Standards and Specifications for Erosion and Sediment Control, latest edition. The plan shall include the proposed location of all features.
21. The applicant shall demonstrate conformance with § 164-47.10 of the Town of Warwick Code.
22. The Applicant is requesting a waiver from a 6-in subbase and 3-in top course to a 12-in subbase & a 2-in top course.
23. Applicant to confirm that existing signage is in accordance with §164-43.1 of the Town Code.
24. Applicant to confirm that existing lighting is in accordance with §164-43.4 of the Town Code.
25. There is a site plan for Pennings Farm Market that received final approval and the maps were signed by the Chairman on 03/18/09. The site improvements on this plan have not been installed in accordance with the plan.
26. On Sheet 1 of 2 on the Cluster Plan, Applicant to clarify if the access road to the pavilion is existing or proposed. All proposed site modification must be included in this site plan application. Comment now applies to Sheet 1 of 4.
27. The location of the Ridgeline Overlay should be shown on the drawing; this will determine the allowable height of the homes to be constructed.
28. Soil types should be shown on Sheet 1.
29. The curtain drains around the septic systems should have inverts at key locations: high point, low point, bends, etc.
30. The grading about the home on Lot 4 should be confirmed; approximately half of the house is 10-ft buried (e.g., curtain drain for potential groundwater).
31. Fillets should be added to the driveways for Lots 2 and 3.
32. The plans/details should clarify the distance between the edge of driveway and the culvert pipe.
33. The rip-rap outlet detail plan view (Sheet 4 of 4) needs dimensions added.

34. The dimensions added to the rip-rap outlet detail plan view (Sheet 4 of 4) need to be the same as in the outlet details.
35. There is a flared end section shown in the plans (Sheets 2 and 3 of 4) and no flared end section shown in the details (Sheet 4 of 4).
36. Cross-sections should be shown on the flag portion of the driveway at 100-ft intervals because there are 4 to 6-ft cuts along this portion of the driveway.
37. Some grading lines in the flag portion of the driveway appear to connect to the same existing elevation contour (check 2+00).
38. Details and notes should be added to show how the steep slopes along the flag portion of the driveway will be stabilized and maintained.
39. The declaration information for the Marginal Access Road, Ridgeline Overlay District, Aquifer Protection Overlay District, and Agricultural Overlay District will need to be shown.
40. Surveyor to certify that iron rods have been set at all property corners.
41. Provide a map note stating that the proposed construction or use shall not begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.
42. Payment in lieu of parkland fees per §75-3.A(2)(a)[3] for 2 lots.
43. Payment of all fees.

The following comment submitted by the Conservation Board:

Orchard Valley Subdivision – None submitted.

The following comment submitted by the ARB:

Orchard Valley Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: This SEQR comment has been prepared by Mr. Ted Fink. *“The Board adopted a Negative Declaration on February 20, 2013. The subdivision is an Unlisted Action and the Board did not do a coordinated review. This means that the Orange County Department of Public Works will conduct their own SEQR review prior to issuing any driveway permits. The same would be true for the State DOT if any permits were needed for Route 94. No further action under SEQR is needed and I do not have any further comments on this application”.*

Comment #2: Applicant to discuss project.

Kirk Rother: The Board is familiar with it. It is a 4-Lot subdivision. There are 2 Residential Lots, 1 Commercial Lot, and 1 Remaining Land for the PDR.

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

Comment #4: Architectural Review Board comments: 02/19/13 no comments at this time

Comment #5: OCPD: 12/14/11 letter with advisory comment to coordinate with OCDPW.

Mr. Astorino: We do have permits for the OCDPW entrance and for the State. It is noted on here to slightly shift that entrance on the State Highway. Laura is there any comments that stick out to you? We had these comments previously.

Laura Barca: No. Kirk, do you have any questions?

Kirk Rother: No. We didn't submit new maps since the last time. There have been no changes.

Mr. Astorino: We have seen these already. Do any Board members or Professionals have any comments or concerns? We will list Comments 6 through 43 for the record.

Comment #6: OCDPW: approval letter dated 03/08/13; will need highway work permit before construction

Comment #7: NYSDOT: submitted 02/25/13; NYSDOT may revise the entranceway slightly to avoid utility pole

Comment #8: The bulk requirements table for the RU and RR-5 zones should be revised to include the proposed dimensions.

Comment #9: The applicant is proposing a "Flag Lot" for Lot 4 of the subdivision.

According to § 137-21 K. (2) (b) flag lots are not permitted with frontage on a State or County Highway. (requesting waiver from the Planning Board)

Comment #10: The applicant shall revise the front, side, and rear yard setbacks for Lots 2 and 4 so they are shown in accordance with Chapter 164 of the Town of Warwick Code.

Comment #11: The applicant shall revise the areas acreage for each lot is the same on each sheet. Currently the area for Lot 4 varies from Sheet 1 to Sheet 2.

Comment #12: The references to the DS zoning district should be removed from the plan; this zoning district has been replaced with the CB zoning district.

Comment #13: The plans state that there are four property owners; all four owners should sign the application form or if there is a power of attorney, that documentation shall be submitted and the application re-signed.

Comment #14: The sight distance should be shown along Warwick Turnpike at the location of the new driveway entrance.

Comment #15: The applicant shall revise the proposed grading for the driveway pad near the dwelling on Lots 3 and 4. The proposed grading depicts grades of 10 percent in these areas which may make it difficult to enter and exit the garages.

Comment #16: The applicant shall provide approximate finished floor elevations for each dwelling. In addition, spot elevations should be provided at each corner of the dwelling and garage entrances to demonstrate positive pitch away from the dwelling.

Comment #17: The plans should be updated to show grading for the proposed swales. In addition, sizing calculations should be provided to demonstrate the swale is adequately sized to pass the required storm event. A detail of the proposed swale should be included on the detail sheet.

Comment #18: On Sheet 4, the title of the swale detail should be revised to remove the word "septic." In addition, dimensions should be provided.

Comment #19: Calculations should be provided to demonstrate the rip rap has been sized in accordance with the New York State DEC Standards and Specifications for Erosion and Sediment Control, latest edition.

Comment #20: The applicant shall provide an Erosion & Sediment Control plan developed in accordance with the NYSDEC Standards and Specifications for Erosion and

Sediment Control, latest edition. The plan shall include the proposed location of all features.

Comment #21: The applicant shall demonstrate conformance with § 164-47.10 of the Town of Warwick Code.

Comment #22: The Applicant is requesting a waiver from a 6-in subbase and 3-in top course to a 12-in subbase & a 2-in top course.

Comment #23: Applicant to confirm that existing signage is in accordance with §164-43.1 of the Town Code.

Comment #24: Applicant to confirm that existing lighting is in accordance with §164-43.4 of the Town Code.

Comment #25: There is a site plan for Pennings Farm Market that received final approval and the maps were signed by the Chairman on 03/18/09. The site improvements on this plan have not been installed in accordance with the plan.

Comment #26: On Sheet 1 of 2 on the Cluster Plan, Applicant to clarify if the access road to the pavilion is existing or proposed. All proposed site modification must be included in this site plan application. Comment now applies to Sheet 1 of 4.

Comment #27: The location of the Ridgeline Overlay should be shown on the drawing; this will determine the allowable height of the homes to be constructed.

Comment #28: Soil types should be shown on Sheet 1.

Comment #29: The curtain drains around the septic systems should have inverts at key locations: high point, low point, bends, etc.

Comment #30: The grading about the home on Lot 4 should be confirmed; approximately half of the house is 10-ft buried (e.g., curtain drain for potential groundwater).

Comment #31: Fillets should be added to the driveways for Lots 2 and 3.

Comment #32: The plans/details should clarify the distance between the edge of driveway and the culvert pipe.

Comment #33: The rip-rap outlet detail plan view (Sheet 4 of 4) needs dimensions added.

Comment #34: The dimensions added to the rip-rap outlet detail plan view (Sheet 4 of 4) need to be the same as in the outlet details.

Comment #35: There is a flared end section shown in the plans (Sheets 2 and 3 of 4) and no flared end section shown in the details (Sheet 4 of 4).

Comment #36: Cross-sections should be shown on the flag portion of the driveway at 100-ft intervals because there are 4 to 6-ft cuts along this portion of the driveway.

Comment #37: Some grading lines in the flag portion of the driveway appear to connect to the same existing elevation contour (check 2+00).

Comment #38: Details and notes should be added to show how the steep slopes along the flag portion of the driveway will be stabilized and maintained.

Comment #39: The declaration information for the Marginal Access Road, Ridgeline Overlay District, Aquifer Protection Overlay District, and Agricultural Overlay District will need to be shown.

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

Comment #41: Provide a map note stating that the proposed construction or use shall not begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.

Comment #42: Payment in lieu of parkland fees per §75-3.A(2)(a)[3] for 2 lots.

Comment #43: Payment of all fees.

Kirk Rother: Comment #9, we asked for a waiver of the flag lot for Lot #4. I think the Board was ok with it.

Mr. Astorino: Ok. I don't see a problem with that.

Mr. Showalter makes a motion to waive "Flag Lot" for Lot 4 of the subdivision. According to Section 137-21 K. (2)(b) flag lots are not permitted with frontage on a State or County Highway.

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

Mr. Showalter makes a motion on the Stephen Pennings, Et. Al c/o Richard Pennings application, granting Final Approval of a proposed 3-Lot Subdivision + 1-Commercial Lot entitled, "**Orchard Valley**", situated on tax parcel S 51 B 1 L 36; parcel located along the southern side of State Route 94 at the intersection of Warwick Turnpike (CR 12), in the RU/CB Zones, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on February 20, 2013. Approval is granted subject to the following conditions:

1. OCDPW: approval letter dated 03/08/13; will need highway work permit before construction
2. NYSDOT: submitted 02/25/13; NYSDOT may revise the entranceway slightly to avoid utility pole
3. The bulk requirements table for the RU and RR-5 zones should be revised to include the proposed dimensions.
4. The applicant is proposing a "Flag Lot" for Lot 4 of the subdivision. According to § 137-21 K. (2) (b) flag lots are not permitted with frontage on a State or County Highway. (requesting waiver from the Planning Board) – Granted.
5. The applicant shall revise the front, side, and rear yard setbacks for Lots 2 and 4 so they are shown in accordance with Chapter 164 of the Town of Warwick Code.
6. The applicant shall revise the areas acreage for each lot is the same on each sheet. Currently the area for Lot 4 varies from Sheet 1 to Sheet 2.
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35. Surveyor to certify that iron rods have been set at all property corners.
36. Provide a map note stating that the proposed construction or use shall not begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.
37. Payment in lieu of parkland per §75-3.A(2)(a)[3] for 2 lots.
38. Payment of all fees.

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

Kirk Rother: Thank you.

***Pochuck Views Sectionalizing Plan & Section I***

Application for Preliminary Approval for filing a 5-Lot subdivision in Sections and an application for Final Approval for Section I to consist of a proposed 2-Lot subdivision, situated on tax parcels S 24 B 1 L 20.1 and L 35; parcels located on the western side of Glenwood Road 3500 feet south of Newport Bridge Road, in the RU zone, of the Town of Warwick. Original Final Approval was granted on, 11/21/12.

Representing the applicant: Dave Getz, Lehman & Getz Engineering and Applicant. George Rhein, Applicant.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 10/17/12 No further comments.
4. Architectural Review Board comments: 09/12/12 no comments; 10/17/12 would like to see elevations for all four sides of homes.
5. OC Planning Department: 05/18/12 add Agricultural Notes; concerns about stormwater management
6. OCDPW (driveway permit and drainage): 11/21/12 OCDPW approval granted; must apply for a highway work permit prior to site preparation or construction taking place
7. A note should be placed on the plans stating that the land disturbance for Lots 4 and 5 must occur between October 1 and March 1 to avoid any potential impact to the Kentucky warbler habitat.
8. A note should be placed on the plans stating that the land disturbance for Lots 4 and 5 be limited to the clearing limits shown on the plans.
9. Sheet 2 (the survey sheet) must show any existing monuments/pins.
10. Sheet 2 (the survey sheet) must show metes and bounds.
11. Sheet 2 (survey sheet) should identify the purpose of each easement shown, who has the rights to use the easement, who has responsibility of maintenance including a reference to any filed maintenance agreement.
12. A deed restriction for additional clearing beyond the limits of clearing shown on the site plan (e.g., clearing for home, driveway, well, and septic system) shall be placed on Lots 4 and 5. The language of the deed restriction shall be submitted to the Planning Board attorney.
13. The Applicant is requesting a waiver from §168-17 Street Specifications Grades and Vertical Curves (proposed 14%, whereas maximum slope allowed is 10%). – Planning Board granted on November 21, 2012 for the overall subdivision.
14. The declaration information for the Ridgeline Overlay District will need to be shown. – Planning Board granted on November 21, 2012 for the overall subdivision.
15. A private roadway easement and agreement must be prepared and submitted to the Town.
16. On Sheet 2, Note 1 (of the overall subdivision plan) the declaration information for the drainage system maintenance agreement should be added.
17. On Sheet 8, Section 11, Note 6 (of the overall subdivision plan) should be added with the declaration information for the drainage system maintenance agreement.
18. Provide a map note stating that “No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”
19. The declaration information for the deed restriction for Lots 4 and 5 shall be added to the plan.

20. A signature block for the Planning Board Chairman's signature needs to be added to the plans.
21. The overall subdivision plans showing the entire subdivision building out shall be submitted as attachments to the drawing titled "Section Plan."
22. The Applicant should clarify what declarations (e.g., Agricultural Protection Notes, drainage easement to OCDPW, are included in Section 1 & which for Section 2.
23. The Applicant should clarify if any easements will be put into place during Section 1.
24. The Applicant should clarify if any temporary easements will be necessary to implement the construction associated with Section 2.
25. It is recommended that the Applicant provide markers in the field to show the locations of the Lot 1 easements to show potential buyers what is proposed for this lot.
26. Surveyor to certify that iron rods have been set at all property corners.
27. Prior to Planning Board approval for Section 2 a bond and inspection fees for the private road shall be determined to the Planning Board Engineer's specification.
28. Prior to Planning Board approval for Section 2 payment in lieu of parkland fees per §75-3.A(2)(a)[3] for three lots.
29. Payment of all fees.

The following comment submitted by the Conservation Board:

Pochuck Views Sectionalizing Plan – None submitted.

The following comment submitted by the ARB:

Pochuck Views Sectionalizing Plan – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: The following SEQR comment has been prepared by Mr. Ted Fink. *"The Planning Board adopted a Negative Declaration on this subdivision on November 21, 2012. The sectionalizing plan does not constitute a significant change in the application. In fact, the plan is the same except for the manner in which it is filed (in sections). No further action under SEQR is needed and I do not have any comments on the current plan"*.

Comment #2: Applicant to discuss project.

Mr. Astorino: I think Dennis had said it all.

Comment #3: Conservation Board comments: 10/17/12 No further comments.

Comment #4: Architectural Review Board comments: 09/12/12 no comments; 10/17/12 would like to see elevations for all four sides of homes.

Comment #5: OC Planning Department: 05/18/12 add Agricultural Notes; concerns about stormwater management.

Mr. Astorino: We have taken care of that.

Mr. Bollenbach: We could strike Comment #5.

Comment #6: OCDPW (driveway permit and drainage): 11/21/12 OCDPW approval granted; must apply for a highway work permit prior to site preparation or construction taking place.

Dave Getz: We have OCDPW approval. We are completing that right now.

Mr. Astorino: You are not worried about that at this point because of the Sectionalization.

Mr. Bollenbach: Let us keep Comment #6 as a place saver.

Mr. Astorino: Ok. John, I would keep all of the comments on here. That way they don't get lost.

Dave Getz: There are a bunch of comments on here that I think refers to Section II.

Mr. Astorino: Laura, are there any comments you want to discuss now? We will keep all of these. We want to keep track of them as this goes through. We don't want to lose them for the next Section.

Laura Barca: I kept them all on there as they were. It might be easier to go through them to say what comments are for Section I and Section II. This way the Condition of Approval letter that Connie does they are separated.

Mr. Astorino: If you do that, put in parentheses what comments are for Section I and Section II.

Mr. Bollenbach: I would keep them all on here for the preliminary approval for the approval in Sections.

Mr. Astorino: Ok.

Mr. Bollenbach: It is actually an approval in Sections that could be attached, the whole laundry list. For the Final Approval of Section I, we could go through them and pick them out administratively.

Mr. Astorino: Ok. My point is that I don't want to lose them as this goes through.

Mr. Bollenbach: I would say list Comments 6 through 29 for the record, subject to the Planning Board Attorney and Engineer's review for Section I approval.

Mr. Astorino: Ok. That will work.

Comment #7: A note should be placed on the plans stating that the land disturbance for Lots 4 and 5 must occur between October 1 and March 1 to avoid any potential impact to the Kentucky warbler habitat.

Comment #8: A note should be placed on the plans stating that the land disturbance for Lots 4 and 5 be limited to the clearing limits shown on the plans.

Comment #9: Sheet 2 (the survey sheet) must show any existing monuments/pins.

Comment #10: Sheet 2 (the survey sheet) must show metes and bounds.

Comment #11: Sheet 2 (survey sheet) should identify the purpose of each easement shown, who has the rights to use the easement, who has responsibility of maintenance including a reference to any filed maintenance agreement.

Comment #12: A deed restriction for additional clearing beyond the limits of clearing shown on the site plan (e.g., clearing for home, driveway, well, and septic system) shall be placed on Lots 4 and 5. The language of the deed restriction shall be submitted to the Planning Board attorney.

Comment #13: The Applicant is requesting a waiver from §168-17 Street Specifications Grades and Vertical Curves (proposed 14%, whereas maximum slope allowed is 10%). – Planning Board granted on November 21, 2012 for the overall subdivision.

Comment #14: The declaration information for the Ridgeline Overlay District will need to be shown. – Planning Board granted on November 21, 2012 for the overall subdivision.

Comment #15: A private roadway easement and agreement must be prepared and submitted to the Town.

Comment #16: On Sheet 2, Note 1 (of the overall subdivision plan) the declaration information for the drainage system maintenance agreement should be added.

Comment #17: On Sheet 8, Section 11, Note 6 (of the overall subdivision plan) should be added with the declaration information for the drainage system maintenance agreement.

Comment #18: Provide a map note stating that “No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”

Comment #19: The declaration information for the deed restriction for Lots 4 and 5 shall be added to the plan.

Comment #20: A signature block for the Planning Board Chairman’s signature needs to be added to the plans.

Comment #21: The overall subdivision plans showing the entire subdivision building out shall be submitted as attachments to the drawing titled “Section Plan.”

Comment #22: The Applicant should clarify what declarations (e.g., Agricultural Protection Notes, drainage easement to OCDPW, are included in Section 1 & which for Section 2.

Comment #23: The Applicant should clarify if any easements will be put into place during Section 1.

Comment #24: The Applicant should clarify if any temporary easements will be necessary to implement the construction associated with Section 2.

Comment #25: It is recommended that the Applicant provide markers in the field to show the locations of the Lot 1 easements to show potential buyers what is proposed for this lot.

Comment #26: Surveyor to certify that iron rods have been set at all property corners.

Comment #27: Prior to Planning Board approval for Section 2 a bond and inspection fees for the private road shall be determined to the Planning Board Engineer's specification.

Comment #28: Prior to Planning Board approval for Section 2 payment in lieu of parkland fees per §75-3.A(2)(a)[3] for three lots.

Comment #29: Payment of all fees.

Mr. McConnell: This has final approval for Section I to consist of a proposed 2 Lot subdivision. I thought that Section I was just for the existing house on the lot that it sits on.

Mr. Bollenbach: It is for the existing house plus the remainder.

Mr. McConnell: Ok. So the remainder is contemplated as just one big lot. Then Section II would be divided.

Mr. Bollenbach: Yes.

Mr. McConnell: Ok. Thank you for explaining.

Laura Barca: Ben, there is one note that I would like to make. Comment #28, prior to Planning Board approval for Section II payment in lieu of parkland fees per Section 75-3.A(2)(a)[3] for three lots. I believe the parkland fees have been paid.

Connie Sardo: Yes. They were paid.

Mr. Astorino: Ok. We could strike Comment #28. We need a motion to waive the public hearing.

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

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

Mr. Showalter makes a motion on the Pochuck Views Sectionalizing Plan and Section I application, granting Preliminary Approval for filing a 5-Lot subdivision in Sections, situated on tax parcels S 24 B 1 L 20.1 and L 35; parcels located on the western side of Glenwood Road 3500 feet south of Newport Bridge Road, in the RU zone, of the Town of Warwick. A SEQR Negative Declaration was adopted on November 21, 2012. (See attached)

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

Mr. Showalter makes a motion on the Pochuck Views Sectionalizing Plan and Section I application, granting Final Approval for filing Section I to consist of a 2-Lot subdivision, situated on tax parcels S 24 B 1 L 20.1 and L 35; parcels located on the western side of Glenwood Road 3500 feet south of Newport Bridge Road, in the RU zone, of the Town of Warwick. A SEQR Negative Declaration was adopted on November 21, 2012. Conditional Final Approval subject to the following conditions and to be revised to Planning Board Attorney's and Planning Board Engineer's Review:

1. A signature block for the Planning Board Chairman's signature needs to be added to the plans.

2. The overall subdivision plans showing the entire subdivision building out shall be submitted as attachments to the drawing titled "Section Plan."
3. The Applicant to provide Declaration for Agricultural Protection and Drainage easement to OCDPW with filing information placed on plan.
4. The Applicant to provide easements to be put into place on Section 1 with filing information placed on plan.
5. The Applicant to provide temporary easements necessary to implement the construction associated with Section 2 with filing information placed on plan.
6. Surveyor to certify that iron rods have been set at all property corners.
7. Payment of all fees.

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

Mr. Bollenbach: Dave, take a look in the Code for Section filing requirements. You would file with the Town Clerk for Sections. Then you would file the final for Section I with the County.

Dave Getz: Ok. Thank you.

George Rhein: Thank you.

**Other Considerations:**

1. **Edsall Farm Subdivision** – Letter from Anthony Trochiano, dated 2/19/13 addressed to the Planning Board in regards to the Edsall Farm Subdivision – requesting “***Re-Approval***” of Final Approval of a proposed 4-Lot subdivision, situated on tax parcel SBL # 2-2-35.22; parcel located on both sides of County Highway 88 west of C.R. 1, in the SL/AI zones. Conditional Final Approval was granted on, 3/7/12. *The Applicant has stated that they are currently addressing the Building Department’s requirements as part of the conditions of final approval.* The Re-Approval of Final Approval becomes effective on 3/7/13, subject to the conditions of final approval granted on, 3/7/12.

Mr. Astorino: I had seen that they were out there taking that main barn down.

Mr. Showalter: It is down. It is gone.

Mr. Astorino: Ok.

Connie Sardo: The silos are just up.

Mr. Bollenbach: The Building Department took a look at the silos. They seemed to be structurally sound.

Laura Barca: I made the applicant sign a letter from the Architect stating that the silos are structurally sound.

Mr. Bollenbach: Ok.

Mr. McConnell makes a motion on the Edsall Farm Subdivision application, granting “***Re-Approval***” of Final Approval for a proposed 4-Lot subdivision, situated on tax parcel S 2 B 2 L 35.22; parcel located on both sides of County Highway 88 west of C.R. 1, in the SL/AI zones, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of Final Approval granted on, 3/7/12. (See attached).

The Re-Approval of Final Approval becomes effective on, 3/7/13.

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

2. **BCM Subdivision** – Letter from Tony Ciallella of BCM Development, dated 3/13/13 addressed to the Planning Board in regards to the BCM Subdivision – requesting 6-Month Extension on the 2<sup>nd</sup> Re-Approval of Final Approval for filing a 42-Lot subdivision in Sections. Section I to consist of a proposed 12-Lot subdivision, situated on tax parcel SBL #44-1-133; parcel located along the northerly side of State Highway 17A 500 feet east of Ketchum Road and Pumpkin Hill Road, in the SL Zone. Conditional Final Approval was granted on, 9/1/10. The 2<sup>nd</sup> Re-Approval of Final Approval was granted on, 9/19/12 became effective on, 9/1/12. *The Applicant has stated that due to the continued depressed state of the real estate market and economy the extension is needed.* The 6-Month Extension on the 2<sup>nd</sup> Re-Approval of Final Approval becomes effective on, 3/1/13.

Mr. Showalter makes a motion on the BCM Subdivision application, granting a 6-Month Extension on the 2<sup>nd</sup> Re-Approval of Final Approval for filing a 42-Lot subdivision in Sections, Section I to consist of a proposed 12-Lot subdivision. SBL # 44-1-133. Conditional Final Approval was granted on, 9/1/10. The 2<sup>nd</sup> Re-Approval of Final Approval was granted on, 9/19/12 became effective on 9/1/12.

The 6-Month Extension on the 2<sup>nd</sup> Re-Approval of Final Approval becomes effective on, 3/1/13.

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

3. **Grill Subdivision** – **Letter** from Adele Grill, dated 3/15/13 addressed to the Planning Board in regards to the Grill Subdivision – requesting a 6-Month Extension on 2<sup>nd</sup> Amended Approval of Final Approval of a proposed 4-Lot Cluster subdivision, situated on tax parcels SBL # 29-1-71 & 72; parcels located on the westerly side of Distillery Road 750 feet north of Pine Island Turnpike, in the RU zone. The 2<sup>nd</sup> Amended Approval of Final Approval was granted on, 8/1/12. *The Applicant has stated that due to the continued depressed economy the extension is needed.* The 6-Month Extension becomes effective on, 2/1/13.

Mr. Ruskiewicz makes a motion on the Grill Subdivision application, granting a 6-Month Extension on the 2<sup>nd</sup> Amended Approval of Final Approval of a proposed 4-Lot Cluster subdivision. SBL # 29-1-71 & 72. The 2<sup>nd</sup> amended Approval of Final Approval was granted on, 8/1/12.

The 6-Month Extension becomes effective on, 2/1/13.

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

4. Planning Board Minutes of 2/20/13 for Planning Board Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 2/20/13.

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

**Correspondences:**

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

Connie Sardo: No.

**Privilege Of The Floor For Agenda Items!!**

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

**Mr. McConnell makes a motion to adjourn the March 20, 2013 Planning Board meeting.**

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