

TOWN OF WARWICK PLANNING BOARD

April 2, 2014

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, April 2, 2014 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: Before we get to our meeting agenda, we have a new Board member that I would like to recognize, John MacDonald. I would also like to recognize our outgoing Board member, Paul Ruskiewicz who is now our County Legislature. We wish him well. We also thank him for all his services as a Planning Board member over the past few years. Welcome John to the Planning Board. Thank you Paul for all of your services to the Planning Board.

Review of Submitted Maps:

Gerald Hewitt & Charles Hashim

Application for Sketch Plat Review of a proposed Lot Line Change, situated on tax parcels S 16 B 1 L 59.1, 61, and 62.1; parcels located on the western side of Big Island Road south of Mountainside Road (Soft Landings Lane), in the RU zone, of the Town of Warwick.

Representing the applicant: Elizabeth Cassidy, Esq.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: pending
4. Architectural Review Board comments: pending
5. OC Planning Department: pending submittal
6. Building Department: Records show that there are open permits for a second story addition and a two-car garage for Tax Lot 16-1-59.1.
7. On Sheet 1, the owner of 16-1-83 is not shown.
8. Applicant to state on plans that lots will be in conformance with §164-43.4 (lighting) of the Town Code.
9. Applicant to clarify the line that traverses from the front of lot 16-1-61 to the rear of this lot just south of the existing home.
10. Applicant to clarify those portions of the existing driveways that are not located within the 20-ft wide common driveway easement.

11. Drawing to state which tax lots benefit from the 20-ft wide common driveway easement.
12. Applicant to shown grading easement on plan to allow for grading if new driveway to lot 16-1-59.1 was ever to be installed.
13. Applicant to show sight distance at new driveway access point to lot 16-1-59.1 if new driveway was ever to be installed.
14. Plans to show better swale definition leading to culvert under 3 Soft Landings driveway.
15. Drawing to state which tax lots benefit from the 10-ft utility easement.
16. Applicant to clarify existing width of the driveway.
17. A detail must be included showing the cross section for the first 25-ft of the driveway that must be paved. The minimum width of the driveway at the intersection with Town Road must be 15-ft (§A168-19).
18. The height of the railroad tie retaining wall should be clarified. A setback of 5' may be required from the new property line.
19. The 9-1-1 addresses must be included on Sheet 1.
20. Applicant to add the Biodiversity overlay district to the Overlay District Table on Sheet 1, Note 9.
21. The Aquifer and Agricultural Notes on the plan must be removed and replaced with the current Aquifer and Agricultural Notes (in Town's webpage, Planning submittal forms #12).
22. Shared driveway agreement to be reviewed by the Planning Board Attorney.
23. Surveyor to certify that iron rods have been set at all property corners.
24. The declaration for Agricultural and Aquifer notes, and for the shared driveway easement must be added to the plans.
25. Payment of all fees.

The following comment submitted by the Conservation Board:

Gerald Hewitt & Charles Hashim – None submitted.

The following comment submitted by the ARB:

Gerald Hewitt & Charles Hashim – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: We have received a short EAF. This application has been classified as a Type 2 Action under SEQR. There is no construction proposed. I have prepared a Type 2 Action Resolution for the Board's consideration.

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

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

617.6

State Environmental Quality Review (SEQR)

Resolution

Type 2 Action

Name of Action: Gerald Hewitt Re-Subdivision

Whereas, the Town of Warwick Planning Board is in receipt of a Subdivision application by Gerald R. Hewitt for a ± 7.767 acre parcel of land located at Big Island Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 3-11-14 was submitted at the time of application, and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is a Type 2 Action that meets the thresholds found in 6 NYCRR 617.5(c)(26) and, therefore, SEQR does not apply, and

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

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

Now Therefore Be It Resolved, that the Planning Board hereby declares that no further review under SEQR is required.

Comment #2: Applicant to discuss project.

Elizabeth Cassidy: We are here to consolidate 3 lots into 2 lots. The Applicant has a vacant lot in between them. They would like it so that they could not put a house there. All 3 lots are existing non-conforming. We would like to create bigger lots that would bring it much closer to the conforming 4-acre zoning. The one lot SBL #16-1-59.1 is an existing flag lot. Essentially we are going to be shifting a stem to the northern portion of the property to allow the stem split to the lot. We are moving that stem so that the other 2-lots could be merged into one lot.

Comment #3: Conservation Board comments: pending

Comment #4: Architectural Review Board comments: pending

Comment #5: OC Planning Department: pending submittal

Comment #6: Building Department: Records show that there are open permits for a second story addition and a two-car garage for Tax Lot 16-1-59.1.

Elizabeth Cassidy: The Applicant is in the process of working with his Architect and Engineer to coordinate the necessary inspections and to rectify that.

Comment #7: On Sheet 1, the owner of 16-1-83 is not shown.

Elizabeth Cassidy: So noted. We will include that in the final plat.

Comment #8: Applicant to state on plans that lots will be in conformance with §164-43.4 (lighting) of the Town Code.

Elizabeth Cassidy: No noted. The applicant is not proposing any new lighting fixtures on the property.

Comment #9: Applicant to clarify the line that traverses from the front of lot 16-1-61 to the rear of this lot just south of the existing home.

Elizabeth Cassidy: So noted. I believe that lot line is a vestige from subdivision reiterated from a couple of subdivisions ago.

Mr. Astorino: Touch base with Laura on that.

Elizabeth Cassidy: We will clarify that line. It will probably be deleted from the plan.

Comment #10: Applicant to clarify those portions of the existing driveways that are not located within the 20-ft wide common driveway easement.

Elizabeth Cassidy: We could have the portions that are not within the common driveway easement shaded as the engineer would like.

Comment #11: Drawing to state which tax lots benefit from the 20-ft wide common driveway easement.

Elizabeth Cassidy: So noted.

Comment #12: Applicant to shown grading easement on plan to allow for grading if new driveway to lot 16-1-59.1 was ever to be installed.

Elizabeth Cassidy: We could show an easement. We provided approximately 100 feet in width. The driveway certainly would not be that wide. The Applicant does not have any plans to put a driveway in that location. They would continue to use the existing private road.

Mr. Astorino: You would still need to have that shown. Laura, is that correct? The reason is if it ever got sold.

Laura Barca: Right. Just because of the statement, I believe it was actually 50 to 60 feet wide. Just because of the statement, I don't think you could put a driveway in there without going onto the neighbor's property.

Comment #13: Applicant to show sight distance at new driveway access point to lot 16-1-59.1 if new driveway was ever to be installed.

Elizabeth Cassidy: So noted.

Comment #14: Plans to show better swale definition leading to culvert under 3 Soft Landings driveway.

Elizabeth Cassidy: My comment on my sheet was blank.

Mr. Astorino: It was. That was omitted by mistake. We discussed this at the Work Session. I believe there was a complaint to the Building Department about a year or two ago about water running across Soft Landings onto a neighbor's property.

Elizabeth Cassidy: Ok.

Mr. Astorino: Laura, maybe you could define it where it is on the plan. It is just up from the existing driveway. The swale was supposed to be defined and take all of the sediment out of it. I think that would help. Whether that was done or not, I don't know. Maybe that was all filled back in again.

Elizabeth Cassidy: I haven't seen this comment up until now. I will certainly follow up on that. The existing swale needs to be cleaned out and defined.

Mr. Astorino: Yes. Laura, do you think that is about 100 feet up from the driveway?

Laura Barca: Yes. It's the part that flows into the culvert under 3 Soft Landings.

Mr. Astorino: Ok.

Elizabeth Cassidy: Ok.

Comment #15: Drawing to state which tax lots benefit from the 10-ft utility easement.

Elizabeth Cassidy: So noted.

Comment #16: Applicant to clarify existing width of the driveway.

Elizabeth Cassidy: Yes. We will take care of that.

Comment #17: A detail must be included showing the cross section for the first 25-ft of the driveway that must be paved. The minimum width of the driveway at the intersection with Town Road must be 15-ft (§A168-19).

Elizabeth Cassidy: We had discussed at the Work Session that since it was a no build application and they are not proposing any new construction, we would leave the road as is provided that it is in acceptable condition to the Town. If any future construction comes in into any of the remaining lots, then that would be addressed.

Mr. Astorino: I could address the Board on that. We were out there. The road is in acceptable condition. I don't see any issues with it. I don't think it needs to be paved.

Laura Barca: Do you want to strike that comment?

Mr. Astorino: Yes.

Mr. Bollenbach: You are talking about the first 25 feet. Don't you want the first 25 feet stabilized or maintained?

Mr. Astorino: John, I guess we could do that. It goes in. It doesn't come out to the road. I guess we could do that.

Mr. Bollenbach: I don't know. I am just asking.

Laura Barca: I think the waiving part was the 15 feet. It is not 15 feet wide at the entrance.

Mr. Astorino: That is right. I think it was talked about being a common driveway at the work session.

Mr. Bollenbach: Do you want the first 25 feet to be paved?

Mr. Astorino: We could pave the first 25 feet.

Mr. Bollenbach: Ok. I just wanted to clarify that. We are trying to improve an existing condition.

Elizabeth Cassidy: I appreciate that but...

Mr. Bollenbach: You should be thankful that you don't have to pave the entirety. It will be to pave the first 25 feet.

Mr. Astorino: Yes. It would be whatever the width is.

Mr. McConnell: What is the width of it now?

Mr. Astorino: It is probably about 12 or 14 feet. It is close.

Mr. Bollenbach: We will add to that comment. Pave the first 25 feet to the Planning Board Engineer's specifications.

Mr. Astorino: Is the Board ok with that?

Mr. McConnell: Yes.

Ms. Little: I'm having a little problem with that.

Mr. McConnell: Let me think about something on that. Is there any change with the driveway whatsoever?

Elizabeth Cassidy: No.

Mr. Astorino: No.

Ms. Little: It is an existing property with a lot line change. Has this been done before? Would this set a precedent?

Mr. Bollenbach: No. What is the condition of it now? I see that there are other drainage issues on the property. I don't know. I wasn't out there to see it.

Mr. Astorino: That was why we went out there.

Mr. Bollenbach: It would be up to the Board to decide.

Mr. Astorino: The road itself which is a private road, I think it is fine.

Mr. McConnell: I have to defer to the Chairman's evaluation of it. Nothing is changing.

Mr. Astorino: The reason this comment came up at the Work Session because it was listed as a common driveway. I believe that Soft Landings is a Private Road. I don't believe it is a common driveway.

Mr. McConnell: Right.

Mr. Astorino: It is a Private Road that has been there for a long time. There is no adverse effect to the Town Road. It's not coming out and causing an issue. If it was causing an issue to the Town Road, I would tell you.

Mr. Bollenbach: We will leave Comment #17. We will indicate it to be waived.

Mr. Astorino: Ok. I think it is fine and fair.

Elizabeth Cassidy: Thank you.

Comment #18: The height of the railroad tie retaining wall should be clarified. A setback of 5' may be required from the new property line.

Elizabeth Cassidy: The height of the railroad tie retaining wall is 40". It is not 5 feet.

Mr. McConnell: What was the threshold on that? Was it 48"?

Mr. Astorino: Yes. It is 48".

Comment #19: The 9-1-1 addresses must be included on Sheet 1.

Elizabeth Cassidy: So noted.

Comment #20: Applicant to add the Biodiversity overlay district to the Overlay District Table on Sheet 1, Note 9.

Elizabeth Cassidy: So noted. The project does not lie in the Biodiversity Overlay District.

Comment #21: The Aquifer and Agricultural Notes on the plan must be removed and replaced with the current Aquifer and Agricultural Notes (in Town's webpage, Planning submittal forms #12).

Elizabeth Cassidy: So noted.

Comment #22: Shared driveway agreement to be reviewed by the Planning Board Attorney.

Elizabeth Cassidy: So noted. The shared driveway agreement is an existing recorded declaration that has been in place since the 1980's. It is included in the application packet.

Mr. Astorino: John, do you have that?

Mr. Bollenbach: I would have to review that.

Mr. Astorino: Ok.

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

Elizabeth Cassidy: So noted.

Comment #24: The declaration for Agricultural and Aquifer notes, and for the shared driveway easement must be added to the plans.

Elizabeth Cassidy: So noted.

Comment #25: Payment of all fees.

Elizabeth Cassidy: Yes.

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

Mr. McConnell: I have a question on Comment #8. It states that the Applicant to state on the plans that lots will be in conformance with §164-43.4 (lighting) of the Town Code. The response from the Applicant was that no new lighting is proposed. That doesn't say to me whether the lighting that exists is in conformance. I would like the Applicant to state that the lights would be in conformance with §164-43.4.

Elizabeth Cassidy: I cannot make that statement now. I will clarify that.

Mr. McConnell: Ok. Secondly, I think at the Work Session there was a discussion that we were reducing the non-conformance of both of these lots. I wasn't sure from the drawings if that was the case. I asked the Applicant to get us the square-footage of the one lot, I can't remember which one it was. This was before and after dusk.

Elizabeth Cassidy: I did pinpoint what I have for Lot 59.1 the existing size was 3.8 acres. The proposed size is 3.804 acres. Lot 51 was 1.5 acres. Lot 52.1 was 2.4 acres. Those two lots would be combined.

Mr. McConnell: It was the other one that went from 3.08 acres to 3.084 acres.

Elizabeth Cassidy: It went from 3.8 acres to 3.804 acres. It is essentially the same lot size.

Mr. McConnell: Ok. I just wanted to make sure the question I asked at the Work Session had been addressed. Thank you.

Mr. Astorino: Do any other Board members or Professionals have any other comments. This does not need a public hearing. There is no construction proposed. Does the Applicant request to waive the public hearing?

Elizabeth Cassidy: Yes.

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

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

Mr. Astorino: We need a waiver now for Comment #17.

Mr. McConnell makes a motion to waive Comment #17; A detail must be included showing the cross section for the first 25-ft of the driveway that must be paved. The minimum width of the driveway at the intersection with Town must be 15-ft (§A168-19).

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

Ms. Little makes a motion on the Gerald Hewitt & Charles Hashim application, granting Final Approval for a proposed Lot Line Change, situated on tax parcels S 16 B 1 L 59.1, 61, and 62.1; parcels located on the western side of Big Island Road south of Mountainside Road (Soft Landings Lane), in the RU zone, of the Town of Warwick, County of Orange, State of New York. A Type 2 Action was adopted on April 2, 2014. Approval is granted subject to the following conditions:

1. Building Department: Records show that there are open permits for a second story addition and a two-car garage for Tax Lot 16-1-59.1.
2. On Sheet 1, the owner of 16-1-83 is not shown.
3. Applicant to state on plans that lots will be in conformance with §164-43.4 (lighting) of the Town Code.
4. Applicant to clarify the line that traverses from the front of lot 16-1-61 to the rear of this lot just south of the existing home.
5. Applicant to clarify those portions of the existing driveways that are not located within the 20-ft wide common driveway easement.
6. Drawing to state which tax lots benefit from the 20-ft wide common driveway easement.
7. Applicant to shown grading easement on plan to allow for grading if new driveway to lot 16-1-59.1 was ever to be installed.
8. Applicant to show sight distance at new driveway access point to lot 16-1-59.1 if new driveway was ever to be installed.

9. Plans to show better swale definition leading to culvert under 3 Soft Landings driveway.
10. Drawing to state which tax lots benefit from the 10-ft utility easement.
11. Applicant to clarify existing width of the driveway.
12. A detail must be included showing the cross section for the first 25-ft of the driveway that must be paved. The minimum width of the driveway at the intersection with Town Road must be 15-ft (§A168-19). Waived.
13. The height of the railroad tie retaining wall should be clarified. A setback of 5' may be required from the new property line.
14. The 9-1-1 addresses must be included on Sheet 1.
15. Applicant to add the Biodiversity overlay district to the Overlay District Table on Sheet 1, Note 9.
16. The Aquifer and Agricultural Notes on the plan must be removed and replaced with the current Aquifer and Agricultural Notes (in Town's webpage, Planning submittal forms #12).
17. Shared driveway agreement to be reviewed by the Planning Board Attorney.
18. Surveyor to certify that iron rods have been set at all property corners.
19. The declaration for Agricultural and Aquifer notes, and for the shared driveway easement must be added to the plans.
20. Payment of all fees.

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

Elizabeth Cassidy: Thank you.

Terrence and Helen Ernhout

Application for Final Approval of a proposed Lot Line Change, situated on tax parcels S 49 B 1 L 17.12 and 17.21; parcels located on the eastern side of Covered Bridge Road and Francher Road (101 Covered Bridge Road and 25 Francher Road) in the SL zone, of the Town of Warwick.

Representing the applicant: Brian Friedler, 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: 01/15/14 no comments
4. Architectural Review Board comments: pending
5. OC Planning Department: 01/13/14; advisory comment for Applicant to sign EAF
6. The septic system note (Sheet 1, Note 8) must be clarified to include how the system will be abandoned and how the area will be remediated if the septic system is located on the adjacent owner's property.
7. The septic tank locations should be shown.
8. There appears to be a shed in the back corner of Lot 1; the offsets should be shown on the plan.
9. The shed should be identified on the plan.
10. Surveyor to certify that iron rods have been set at all property corners.
11. The recording information for the two new parcel deeds must be submitted.
12. The septic easement/replacement note must be filed in the Orange County Clerk's Office (Sheet 1, Note 8).
13. Add the declaration information for the septic easement note to the plan.
14. Payment of all fees.

The following comment submitted by the Conservation Board:

Terrence and Helen Ernhout – None submitted.

The following comment submitted by the ARB:

Terrence and Helen Ernhout – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Board had previously adopted a Resolution as a Type 2 Action. No further SEQR review is necessary.

Comment #2: Applicant to discuss project.

Brian Friedler: The Ernhout's are owners of the property. They plan on doing a lot line change between 2 existing lots. The property is located in the SL zone. It has one existing dwelling on each lot. They are intending to make 2 equally divided lots.

Comment #3: Conservation Board comments: 01/15/14 no comments

Comment #4: Architectural Review Board comments: pending

Comment #5: OC Planning Department: 01/13/14; advisory comment for Applicant to sign EAF

Comment #6: The septic system note (Sheet 1, Note 8) must be clarified to include how the system will be abandoned and how the area will be remediated if the septic system is located on the adjacent owner's property.

Brian Friedler: Yes. The note has been added.

Comment #7: The septic tank locations should be shown.

Brian Friedler: It is shown.

Mr. Astorino: Laura, are these comments from before?

Laura Barca: Yes. I just wanted to state that the septic note you added was fine. If the septic does end up on the adjacent owner's property and it would need to be replaced, the question was what are you going to do with the system that is now on someone else's property? You will need to add more information to that on the plans.

Brian Friedler: I will have to add that to the plans.

Mr. Astorino: Get in touch with Laura on that.

Brian Friedler: Yes.

Comment #8: There appears to be a shed in the back corner of Lot 1; the offsets should be shown on the plan.

Comment #9: The shed should be identified on the plan.

Brian Friedler: It is right on the line.

Mr. Astorino: We talked about that. The shed should be identified on the plans. Laura, what are you looking for on the offsets? It seems to be right on the property line.

Laura Barca: It is. It needs to be labeled that it is a shed. Right now, it is just showing a box on the plans.

Mr. Astorino: Just label it as a shed.

Laura Barca: Right.

Brian Friedler: Ok.

Comment #10: Surveyor to certify that iron rods have been set at all property corners.

Brian Friedler: That will be done.

Comment #11: The recording information for the two new parcel deeds must be submitted.

Brian Friedler: It was submitted.

Comment #12: The septic easement/replacement note must be filed in the Orange County Clerk's Office (Sheet 1, Note 8).

Brian Friedler: Yes.

Comment #13: Add the declaration information for the septic easement note to the plan.

Brian Friedler: Yes.

Comment #14: Payment of all fees.

Brian Friedler: Yes.

Mr. Astorino: Do any Board members or Professionals have any comments? This is a simple lot line change. There is no construction proposed. Does the Applicant wish to waive the public hearing?

Brian Friedler: Yes.

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

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

Ms. Little makes a motion on the Terrence and Helen Ernhout application, granting Final Approval for a proposed Lot Line Change, situated on tax parcels S 49 B 1 L 17.12 and 17.21; parcels located on the eastern side of Covered Bridge Road and Francher Road (101 Covered Bridge Road and 25 Francher Road), in the SL zone, of the Town of Warwick, County of Orange, State of New York. A Type 2 Action was adopted on January 15, 2014. Approval is granted subject to the following conditions:

1. The septic system note (Sheet 1, Note 8) must be clarified to include how the system will be abandoned and how the area will be remediated if the septic system is located on the adjacent owner's property.
2. The septic tank locations should be shown.
3. There appears to be a shed in the back corner of Lot 1; the offsets should be shown on the plan.
4. The shed should be identified on the plan.
5. Surveyor to certify that iron rods have been set at all property corners.
6. The recording information for the two new parcel deeds must be submitted.
7. The septic easement/replacement note must be filed in the Orange County Clerk's Office (Sheet 1, Note 8).
8. Add the declaration information for the septic easement note to the plan.
9. Payment of all fees.

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

VanHouten Subdivision

Application for Sketch Plat Review of a proposed 2-Lot (**MAJOR**) subdivision, situated on tax parcel S 40 B 1 L 9.3; parcel located on the eastern side of Ryerson Road 580± feet north of Rutherford Road, in the RU zone, of the Town of Warwick.

Representing the applicant: Brian Friedler, 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: pending
4. Architectural Review Board comments: pending
5. OC Planning Department: pending submittal
6. Building Department: Records show that there are open permits for a well, a horse barn, a shed and porch, and an addition to a home.
7. The deed for the property must be submitted.
8. There is a small shed that encroaches on the neighboring parcel (40-1-9.1) by 5.1-ft. Applicant to clarify status of this shed.
9. Applicant to state on plans that lots will be in conformance with §164-43.4 (lighting) of the Town Code.
10. Metes and bounds will need to be shown along the new property line. It may be helpful to provide a 50 scale drawing of the developed portion of the project area.
11. Metes and bounds will need to be shown along the shared driveway easement.
12. Soil testing for the new septic system must be witnessed by the Planning Board Engineer's office.
13. Applicant to clarify which property will own and maintain the trees along the new property line.
14. Ten-ft contours are shown on the plan; it is recommended that two-ft contours are shown especially in the area of the proposed septic area.
15. Applicant to clarify the purpose of the utility boxes, including what they are used for and who needs access to them.
16. Applicant to clarify existing width of the driveway.
17. A detail must be included showing the cross section for the first 25-ft of the driveway that must be paved. The minimum width of the driveway at the intersection with Town Road must be 15-ft (§A168-19).
18. Applicant to clarify if proposing to dedicate road right-of-way areas to the Town.
19. Provide a map note stating that, "No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained."
20. The height of the retaining wall should be clarified. A setback of 5' may be required from the new property line.
21. The separation distance between the well on Lot 1 and the proposed lot line must be called out on the plan.
22. Applicant to clarify the line that appears to connect the two existing wells.
23. Applicant to clarify if the well on Lot 2 has been used as a potable source of water.
24. The 9-1-1 address must be included on Sheet 1.
25. Shared driveway agreement to be prepared to the Planning Board Attorney's specifications.
26. Surveyor to certify that iron rods have been set at all property corners.

27. Payment in lieu of parkland fees per §75-3.A(2)(a)(3) for 1 lot.
28. The declaration for the roadway dedication, Agricultural notes, and shared driveway easement must be added to the plans.
29. Payment of all fees.

The following comment submitted by the Conservation Board:

VanHouten Subdivision – None submitted.

The following comment submitted by the ARB:

VanHouten Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Applicant has submitted the new short EAF. It is an Unlisted Action. There are no other Involved Agencies. The Planning Board could go ahead and declare itself Lead Agency.

Mr. McConnell makes a motion for Lead Agency.

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

617.6

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

Name of Action: Van Houten Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by William & Marie Van Houten for a ± 58.1 acre parcel of land located at 104 Ryerson Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 3-12-14 was submitted at the time of application, and

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

Whereas, the Planning Board has determined that the proposed project is within an agricultural district and, therefore, the requirements of 6 NYCRR

617.6(a)(6) apply meaning that an Agricultural Data Statement must be filed, forwarded to the owners of nearby farm operations then considered by the Planning Board, and

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

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

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

Comment #2: Applicant to discuss project.

Brian Friedler: The Applicant proposes to subdivide a 58-acre parcel into 2 lots. The existing dwelling is located on Lot 1. They plan to put a small dwelling on Lot 2. Both lots would share a driveway. There is an existing cottage on Lot 1 that is in poor condition. That cottage will be removed.

Comment #3: Conservation Board comments: pending

Comment #4: Architectural Review Board comments: pending

Comment #5: OC Planning Department: pending submittal

Comment #6: Building Department: Records show that there are open permits for a well, a horse barn, a shed and porch, and an addition to a home.

Brian Friedler: The Applicant is in the process of taking care of that.

Comment #7: The deed for the property must be submitted.

Brian Friedler: The Applicant will submit that.

Comment #8: There is a small shed that encroaches on the neighboring parcel (40-1-9.1) by 5.1-ft. Applicant to clarify status of this shed.

Mr. Astorino: Laura, is it encroaching by 5.1 feet?

Laura Barca: It is 5.1 feet over the property line.

Mr. Astorino: Ok. Applicant to clarify status of the shed.

Mr. Bollenbach: How big is this shed? Is it moveable?

Brian Friedler: From what I understand, it is a small milk shed. It is in very bad condition.

Mr. Bollenbach: You should consider removing it because it is in bad condition.

Brian Friedler: Yes.

Comment #9: Applicant to state on plans that lots will be in conformance with §164-43.4 (lighting) of the Town Code.

Brian Friedler: We will add that.

Comment #10: Metes and bounds will need to be shown along the new property line. It may be helpful to provide a 50 scale drawing of the developed portion of the project area.

Brian Friedler: We will add that.

Comment #11: Metes and bounds will need to be shown along the shared driveway easement.

Brian Friedler: We will add that.

Comment #12: Soil testing for the new septic system must be witnessed by the Planning Board Engineer's office.

Brian Friedler: We will schedule that.

Comment #13: Applicant to clarify which property will own and maintain the trees along the new property line.

Brian Friedler: Karen had said that we would have to get that surveyed a little better.

Mr. Astorino: You will clear that up.

Brian Friedler: Yes.

Comment #14: Ten-ft contours are shown on the plan; it is recommended that two-ft contours are shown especially in the area of the proposed septic area.

Brian Friedler: Yes.

Comment #15: Applicant to clarify the purpose of the utility boxes, including what they are used for and who needs access to them.

Brian Friedler: I am not sure about that one. I would have to look into that.

Mr. Astorino: Ok.

Comment #16: Applicant to clarify existing width of the driveway.

Brian Friedler: They have been added to the plans.

Comment #17: A detail must be included showing the cross section for the first 25-ft of the driveway that must be paved. The minimum width of the driveway at the intersection with Town Road must be 15-ft (§A168-19).

Brian Friedler: Ok.

Comment #18: Applicant to clarify if proposing to dedicate road right-of-way areas to the Town.

Brian Friedler: They are not interested in that at this time.

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

Brian Friedler: Yes.

Comment #20: The height of the retaining wall should be clarified. A setback of 5' may be required from the new property line.

Brian Friedler: The retaining walls are less than 3 feet in height.

Mr. Astorino: You will need to show that on the plans.

Brian Friedler: Yes.

Comment #21: The separation distance between the well on Lot 1 and the proposed lot line must be called out on the plan.

Brian Friedler: We will show that on the plan.

Comment #22: Applicant to clarify the line that appears to connect the two existing wells.

Brian Friedler: That was a mistake. We will take it off.

Comment #23: Applicant to clarify if the well on Lot 2 has been used as a potable source of water.

Brian Friedler: Yes it has. It will be addressed in the well logs.

Mr. Astorino: Ok.

Comment #24: The 9-1-1 address must be included on Sheet 1.

Brian Friedler: Yes.

Comment #25: Shared driveway agreement to be prepared to the Planning Board Attorney's specifications.

Brian Friedler: Yes.

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

Brian Friedler: Yes.

Comment #27: Payment in lieu of parkland fees per §75-3.A(2)(a)(3) for 1 lot.

Brian Friedler: The Applicant will take care of that.

Comment #28: The declaration for the roadway dedication, Agricultural notes, and shared driveway easement must be added to the plans.

Brian Friedler: Yes.

Comment #29: Payment of all fees.

Brian Friedler: The Applicant will take care of that.

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

Mr. Bollenbach: Regarding Comment #18, the Applicant has stated that they will not be offering a dedication strip?

Mr. Astorino: Correct.

Mr. Bollenbach: Ok. On Comment #28, we will need to strike the part that says roadway dedication.

Mr. Astorino: Yes. Ok. We could set this application for a public hearing.

Mr. Kennedy makes a motion to set the VanHouten Subdivision application for a Preliminary Public Hearing at the next available agenda.

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

Brian Friedler: Thank you.

Other Considerations:

1. **Round Hill Subdivision** – Letter from Steven Spiegel, Spiegel Legal, dated 3/27/14 addressed to the Planning Board in regards to the Round Hill Subdivision – requesting a 6-Month Extension on the 7th Re-Approval of Final Approval of a proposed 19-Lot + 1-Ag Lot Cluster subdivision, situated on tax parcel SBL #7-2-51.1; parcel located along the northerly side of Wheeler Road between Meadow Road and Hunt Drive, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 10/18/06. *The Applicant has stated that the extension is needed because of the condition for final approval requiring construction of roads & infrastructure, which real estate market & financial conditions don't permit at this time.* The 6-Month Extension on 7th Re-Approval becomes effective on 4/18/14.

Mr. McConnell makes a motion on the Round Hill Subdivision, granting a 6-Month Extension on 7th Re-Approval of Final Approval of a proposed 19-Lot + 1-Ag Lot cluster subdivision. SBL # 7-2-51.1. Conditional Final Approval was granted on 10/18/06.

The 6-Month Extension becomes effective on 4/18/14.

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

2. Planning Board Minutes of March 5, 2014 for PB Approval.

Mr. McConnell makes a motion to Approve the March 5, 2014 Planning Board Minutes.

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

3. Planning Board to discuss canceling the 4/7/14 W.S. & 4/16/14 PB Meeting.

Mr. Kennedy makes a motion to cancel the 4/7/14 Work Session & 4/16/14 Planning Board Meeting.

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

Correspondences:

1. Planning Board to provide recommendation to the Town Board for the Zoning changes.

Mr. Astorino: The Town Board has gone over it and through it. It was sent to use. We have looked at it. Do any Board members have any recommendations? They pretty much nailed what we wanted it to be. Does the Board have anything? Seeing that the Board doesn't have anything, we need a motion for a Favorable recommendation.

Mr. Kennedy makes a motion to make a Favorable recommendation to the Town Board for the Sign Code Zoning changes.

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

Mr. Fink: There is a typo in the letter that I will correct.

Mr. Astorino: Ok.

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 April 2, 2014 Planning Board meeting.

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