

TOWN OF WARWICK PLANNING BOARD

April 20, 2016

Members present: Chairman, Benjamin Astorino
Roger Showalter, Vice-Chairman
Dennis McConnell, Bo 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 20, 2016 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

PUBLIC HEARING OF HOMARC, LLC.

Application for Final Site Plan Approval and Special Use Permit for the construction and use of a commercial site Plan of a 21,900 square foot professional and office development on a 5.1 acre site, situated on tax parcel S 51 B 1 L 5.231; project located on the northern side of NYS Route 94S near the intersection with Warwick Turnpike (152 NYS Route 94 South), in the CB zone, of the Town of Warwick, County of Orange, State of New York. Preliminary Site Plan and Special Use Permit Approval was granted on 5/6/15.

Representing the applicant: Dave Griggs from ERS Consultants. Paul Canivari, Applicant.

Connie Sardo: Mr. Chairman, we have received the certified mailings for the HOMARC final public hearing.

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – 10/16/12: no comments at this time
4. Architectural Review Board – **10/16/12:** (1) request similar conceptual view of all four sides, (2) provide materials of construction, (3) determine front(s) of building, & (4) perspective rendering of nearby buildings; **08/11/14:** see separate comment letter dated 08/11/14
5. OC Planning Department – 06/04/15 advisory comments for access and wetland related to the Marginal Access Road and Green Infrastructure
6. NYSDOT – connecting to the proposed Marginal Access Road; Applicant applied to NYSDOT for temporary construction access, letter dated 04/07/15 requesting an updated traffic study.
7. On Sheet 1, the proposed sign needs a detail. Applicant to consider placing sign perpendicular to the Route 94.

8. The NYSDOT highway permit for temporary access is valid until 11/30/16; Applicant to include this information on Sheet 1, Note 15.
9. The proposed uses, including use number, from §164-40M Table of Uses must be added to the plans. Examples of proposed usages must be shown on the plans.
10. An animal barrier note must be added to the plans stating that a fence with mesh or other approved barrier shall be provided to prevent small animals from reaching paved areas. The owner is responsible to have the barrier swept or raked out once a year, in early December, to remove litter and debris. The property owner is responsible for maintenance of the animal barrier.
11. Handicap parking details do not correctly illustrate the required loading zone dimension. The site plan appears to be correct, but no dimensions are provided. Since no dimensions are provided on the site plans, the details should be site specific and reflect what is intended to be constructed. Dimension should be provided for the handicap symbol.
12. Details for all pavement markings must be shown on the plans.
13. The pipe diameters and materials must be shown on the utility plan.
14. On Sheet 5, the Marginal Access Road detail must be modified to be in compliance with the Town Code §A168, Attachment 1 Typical Road, Half Section, Figure 1A.
15. The location of the bench and the bench detail must be added to the plan.
16. Additional information should be provided to the Roughed Rough Cut Two Rail Wooden Bog Turtle Fence detail on Sheet 6: the size of the opening and size of the wood fencing should be added to the plan. Also, the plans should include information that the wire fabric should be vinyl coated to prevent rust.
17. Applicant to determine the depth of groundwater where the cisterns are to be located and clarify the buoyancy of an empty cistern and/or an anchoring system.
18. The profile from the building to the cistern shall be shown on the plans, including any connection to the roof drains.
19. The cross section of the cistern connections shall be added to the plans, including all drainage connections.
20. Maintenance notes for all green infrastructure practices must be added to the plan, including winter maintenance of permeable pavers. Add detail and maintenance notes for tree protection.
21. Change title of detail on Sheet 8 from “Gravel Construction Blanket” to “Stabilized Construction Entrance.”
22. An overall signage plan should be added to the plans. A plan sheet shall be added to the plan set showing all proposed/existing signage for this project, including handicapped, stop signs, etc.
23. Each proposed sign requires a detail, including height, size, words, and/or symbols. This information shall be called out on the plan to show that it will comply with the Town’s signage code. Applicant to add No Parking Signs for handicapped spaces.
24. Applicant to clarify how proposed water and sewer traverse the wetland area. Applicant to show/describe on the plan how these connections will be made.
25. OCDOH and NYSDEC will be reviewing the proposed water and sewer line connections. Applicant to submit one copy of each outside agency approval letter.
26. Applicant should include a profile along the centerline of the dry swale to demonstrate that the runoff will be collected and transported through the swale into the proposed pocket pond.
27. Applicant to confirm the horizontal and vertical controls of the Marginal Access Road to ensure that the roadways will line-up during construction.
28. The color of the dumpster area detail must be shown.

29. Applicant to clarify if there is a space at the bottom of the stockade fence enclosure for the dumpster area.
30. All dimensions must be called out on the Handicapped Parking Detail.
31. A sample of the retaining wall surface should be presented to the planning board.
32. The material, rebar, geotextile fabric, and other components of the retaining wall must be called out.
33. A detail should be added for the guide rail. A legible detail showing materials of construction, notes, etc. must be added to the guiderail note.
34. Applicant to provide a cross section of the guiderail along the retaining wall.
35. Please verify that there is enough room provided for the trees proposed along the top of the retaining wall, and that roots will not impact the wall. If trees are to be maintained to not encroach within parking areas, those maintenance notes should be included.
36. Please verify types of vegetation proposed on the Landscaping Plan. There are numerous sized symbols for the same plant which is deceiving. Applicant must verify that there is enough room for each plant, given that the sidewalk planting area is only 3ft.
37. Please verify symbols, as there appear to be differing symbols for the same plants. Verify quantities shown. Plants growing to 6-10ft in width are not appropriate for a 3-5ft planting strip. Please confirm. Please verify that there is enough room provided for the trees proposed along the building, along the sidewalks.
38. There should be no woody vegetation within 15' of the toe of the embankment or 25' from the spillway (per the NYS SWM Design Manual). A note must be added to the plan clarifying this requirement.
39. Applicant should add a limit of disturbance line to the plan and quantify that value. Applicant should include the contractor staging area in the limit of disturbance calculation (and as demonstrated on sheet 3) and confirm if this area was addressed in the SWPPP.
40. Spot grades provided do not meet required slope for ADA access (2%). Spot grades to determine cross slope have not been provided.
41. Please verify the type of handicap ramp provided at each sidewalk location. Side flare ramps may not be necessary. Update the detail to match the style ramps proposed on the site plan.
42. Provide maintenance notes for the long term maintenance of proposed grasspaver sidewalk (sweeping, vacuuming, snow removal). Provide maintenance notes for the pocket pond and meadow areas.
43. Please verify that the landscaping proposed for sun/shade needs of the proposed species.
44. For locations where handicap ramps in the sidewalk are located in areas where doors are located in the building, please verify that adequate clear width is provided between the doors and ramps.
45. SWPPP (Section 8.1.1 – Pocket Pond) notes “The pocket pond is landscaped with a variety of plantings including emergent and woody shrubs, with each type of planting corresponding to the water depth.” The landscaping plan and the detail inset (pocket pond schematic section) on Sheet 6 show only emergent vegetation (two species of rushes) to be planted on the aquatic benches and no woody shrub species.
46. Traffic Report Page 1, Paragraph 2, Line 5: Please update to Figure 1 instead of Figures 1.
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56. A three-ring binder with all color, texture, roofing samples, etc. shall be submitted and retained with the building department after final approval has been granted.
57. The declaration information for the Agricultural and Aquifer Notes must be added to the plans.
58. Payment of all bonds (Landscaping, Performance, Marginal Access Road, Construction Trailer Removal, Construction Inspection fees for Landscaping and Performance, and Traffic Mitigation Fees).
59. A note stating that The Owner has agreed to install improvements, at the Owner's expense, from the Homarc property onto the bowling alley property and then install a new NYSDOT entrance onto Route 94 in lieu of the Traffic Impact Fee. The Town will obtain permission from the bowling alley owner and the NYSDOT permit.
60. Surveyor to certify that iron rods have been set at all property corners.
61. Payment of all fees.

The following comment submitted by the Conservation Board:

HOMARC, LLC.- None submitted.

The following comment submitted by the ARB:

HOMARC, LLC.- None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: SEQRA has been fully complied with. The Applicant went through the EIS procedure. The Planning Board had adopted a Final Statement on the project.

Comment #2: Applicant to discuss project.

Dave Griggs: Nothing has changed since we were last here before the Board.

Mr. McConnell: Mr. Chairman, could I ask the Applicant to give us a little thumbnail as to what the project is about. This is a public hearing. There might be people that might not have been here. How many units, retail, and offices will be there? Give us a satellite view of what is going to be there.

Mr. Astorino: Ok.

Dave Griggs: It is a proposed 21,900 square foot commercial building located across the street from Shop Rite and Leo Kaytes. It is going to be a one-story building. It is going to have as many as 6 to 14 units. Right now, we don't have anybody signed up yet for any of those units. We do anticipate possibly a Bank, Beauty Salon, and Deli with 20 tables. Those units would be for those sorts of things. There would be some professional offices as well.

Mr. McConnell: Ok. Thank you.

Mr. Astorino: Regarding the rest of these comments, we have seen them all before. There are a couple of comments that do stand out that we need to go over. We will list Comment #3 through Comment #24 for the record.

Comment #3: Conservation Board – 10/16/12: no comments at this time

Comment #4: Architectural Review Board – **10/16/12**: (1) request similar conceptual view of all four sides, (2) provide materials of construction, (3) determine front(s) of building, & (4) perspective rendering of nearby buildings; **08/11/14**: see separate comment letter dated 08/11/14

Comment #5: OC Planning Department – 06/04/15 advisory comments for access and wetland related to the Marginal Access Road and Green Infrastructure

Comment #6: NYSDOT – connecting to the proposed Marginal Access Road; Applicant applied to NYSDOT for temporary construction access, letter dated 04/07/15 requesting an updated traffic study.

Comment #7: On Sheet 1, the proposed sign needs a detail. Applicant to consider placing sign perpendicular to the Route 94.

Comment #8: The NYSDOT highway permit for temporary access is valid until 11/30/16; Applicant to include this information on Sheet 1, Note 15.

Comment #9: The proposed uses, including use number, from §164-40M Table of Uses must be added to the plans. Examples of proposed usages must be shown on the plans.

Comment #10: An animal barrier note must be added to the plans stating that a fence with mesh or other approved barrier shall be provided to prevent small animals from reaching paved areas. The owner is responsible to have the barrier swept or raked out once a year, in early December, to remove litter and debris. The property owner is responsible for maintenance of the animal barrier.

Comment #11: Handicap parking details do not correctly illustrate the required loading zone dimension. The site plan appears to be correct, but no dimensions are provided. Since no dimensions are provided on the site plans, the details should be

site specific and reflect what is intended to be constructed. Dimension should be provided for the handicap symbol.

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Comment #25: OCDOH and NYSDEC will be reviewing the proposed water and sewer line connections. Applicant to submit one copy of each outside agency approval letter.

Dave Griggs: You have the copy from OCDOH.

Mr. Astorino: Yes. We do have that. We will list Comment #26 through Comment #58 for the record.

Comment #26: Applicant should include a profile along the centerline of the dry swale to demonstrate that the runoff will be collected and transported through the swale into the proposed pocket pond.

Comment #27: Applicant to confirm the horizontal and vertical controls of the Marginal Access Road to ensure that the roadways will line-up during construction.

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Comment #59: A note stating that The Owner has agreed to install improvements, at the Owner's expense, from the Homarc property onto the bowling alley property and then install a new NYSDOT entrance onto Route 94 in lieu of the Traffic Impact Fee. The Town will obtain permission from the bowling alley owner and the NYSDOT permit.

Dave Griggs: Ok.

Paul Canivari: Ok.

Mr. Astorino: That is pretty much explanatory.

Comment #60: Surveyor to certify that iron rods have been set at all property corners.

Comment #61: Payment of all fees.

Dave Griggs: Yes.

Mr. McConnell: Mr. Chairman, when is that agreement for installation? Is that before final maps get signed? What is the timing on that?

Mr. Astorino: The NYSDOT would dictate the timing on that. The Applicant could go through the marginal access road which is constructed to their property. They could essentially run their business through that marginal access road that is there now. The NYSDOT has to give them approval on the entrance through the Bowling Alley on where it's going to be and how it's going to be. I believe there is a meeting set up in May. Laura, is that correct?

Laura Barca: Yes.

Mr. McConnell: Ok. That is onto the Bowling Alley's property.

Mr. Astorino: Yes.

Mr. McConnell: That contemplates that the Applicant here will actually be building on land not belonging to him.

Mr. Astorino: The Town will get the approval for the necessary easements from the Bowling Alley.

Mr. McConnell: Who is responsible for insuring that?

Mr. Astorino: It would be a Town road coming through that would be dedicated to the Town on the Bowling Alley's property.

Paul Canivari: It is dedicated to the Town.

Mr. McConnell: Right. But you are willing to do that on these terms. Is that what you are saying?

Paul Canivari: I am willing to install the entrance way out onto Route 94 onto the Bowling Alley's property. It would give us access from the Bowling Alley to our site.

Mr. McConnell: Ok. It just seems a little odd that a private party is going to be building onto a property of another private party. There would be liability issues.

Mr. Astorino: There isn't a traffic impact fee.

Mr. McConnell: Understood.

Mr. Astorino: I think it works for all parties involved. Paul will be out there building his site with equipment, manpower, etc...

Mr. McConnell: Ok.

Mr. Astorino: In lieu of that fee, this would be a benefit for everybody.

Mr. McConnell: I get the logic behind it. What I'm trying to cover is the legality of it.

Mr. Astorino: If the Town obtains the permission from the Bowling Alley, I assume that it would be fine.

Mr. McConnell: Don't assume.

Ms. Little: Mr. Canivari, are you fully insured?

Paul Canivari: Yes.

Mr. Astorino: John, do we have any issues with this?

Mr. Bollenbach: No.

Mr. McConnell: John, we don't have any issues there. Is that correct?

Mr. Bollenbach: Yes.

Mr. McConnell: Ok. Do we want to see the insurance policy?

Mr. Bollenbach: The Town would be requiring all of that. Yes.

Mr. McConnell: Ok. I'm just a little bit surprised at the sparsity of the notes on an undertaking like this. But if our Attorney is comfortable with it. It would not be up to me to object to it.

Mr. Bollenbach: I am satisfied.

Mr. McConnell: Thank you.

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

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

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

Mr. Showalter makes a motion on the HOMARC application, granting Final Site Plan Approval and Special Use Permit for the construction and use of a commercial site plan of a 21,900 square foot professional and office development on a 5.1 acre site, situated on tax parcel S 51 B 1 L 5.231; project located on the northern side of NYS Route 94S near the intersection with Warwick Turnpike (152 NYS Route 94 South), in the CB zone, of the Town of Warwick, County of Orange, State of New York. Preliminary Site Plan and Special Use Permit Approval was granted on 5/6/15. Approval is granted subject to the following conditions:

1. NYSDOT – connecting to the proposed Marginal Access Road; Applicant applied to NYSDOT for temporary construction access, letter dated 04/07/15 requesting an updated traffic study.
2. On Sheet 1, the proposed sign needs a detail. Applicant to consider placing sign perpendicular to the Route 94.
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38. Please verify that the landscaping proposed for sun/shade needs of the proposed species.
39. For locations where handicap ramps in the sidewalk are located in areas where doors are located in the building, please verify that adequate clear width is provided between the doors and ramps.
40. SWPPP (Section 8.1.1 – Pocket Pond) notes “The pocket pond is landscaped with a variety of plantings including emergent and woody shrubs, with each type of planting corresponding to the water depth.” The landscaping plan and the detail inset (pocket

- pond schematic section) on Sheet 6 show only emergent vegetation (two species of rushes) to be planted on the aquatic benches and no woody shrub species.
41. Traffic Report Page 1, Paragraph 2, Line 5: Please update to Figure 1 instead of Figures 1.
 42. Traffic Report Page 1, Paragraph 3, Line 1: Applicant to clarify where the turning movements were conducted; at one intersection or two.
 43. Traffic Report Page 2, Paragraph 1, Line 5: Applicant to clarify how these additional volumes were accounted for as additional background growth, since the previous turning movement counts.
 44. Traffic Report Page 2, Paragraph 2, Line 1: Text states Site Plan revision dated February 20, 2015 but in the Appendix it says 10-1-13 on the actual Site Plan; Applicant to clarify which is correct.
 45. Traffic Report Page 2, Paragraph 2, Line 6: Text states Table 1A, but only Table 1R appears to be in the Appendix; Applicant to clarify.
 46. Traffic Report Page 2, Paragraph 2, Line 7: Since there is a reference Table 1 in text, it should be included in this Appendix as well for reference.
 47. Traffic Report Page 2, Paragraph 3, Line 1: Suggest using “Build out” instead of saying “Completed”.
 48. Traffic Report Page 2, Paragraph 5, Line 1: There are references to Figures 8, 9, and 8A and 9A. However, this is not how figures are ordered in the Appendix. Recommend moving Figures 8A and 9A up to after Figure 8 and 9 to match report text.
 49. Traffic Report Page 3, Paragraph 1: Text should be revised to include something about pass-by trips if the figures are accounting for these trips. Otherwise the site generated trips plus 2021 no build should equal 2021 build.
 50. Traffic Report Page 4, Paragraph 1, Lines 4-8: It is unclear how by reviewing the tables, the memo states restriping pavement is needed; Applicant to clarify. If the analysis included that left turn lane, please document that in text. Also should call out the LOS F on Saturday in 2021 Build coming out of site driveway.
 51. A three-ring binder with all color, texture, roofing samples, etc. shall be submitted and retained with the building department after final approval has been granted.
 52. The declaration information for the Agricultural and Aquifer Notes must be added to the plans.
 53. Payment of all bonds (Landscaping, Performance, Marginal Access Road, Construction Trailer Removal, Construction Inspection fees for Landscaping and Performance, and Traffic Mitigation Fees).
 54. A note stating that The Owner has agreed to install improvements, at the Owner’s expense, from the Homarc property onto the bowling alley property and then install a new NYSDOT entrance onto Route 94 in lieu of the Traffic Impact Fee. The Town will obtain permission from the bowling alley owner and the NYSDOT permit.
 55. Surveyor to certify that iron rods have been set at all property corners.
 56. Payment of all fees.

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

Dave Griggs: Thank you.

Paul Canivari: Thank you.

Review of Submitted Maps:***ShopRite Warwick***

Application for Site Plan Approval and Special Use Permit for the construction and use of a proposed 11,825 s.f. addition to the side of the existing ShopRite Supermarket, removal of a portion of the existing outparcel building, and modification to the existing parking layout, situated on tax parcel S 51 B 1 L 6.21; project located on the northern side of New Milford Road 318.4 feet west of Warwick Turnpike (153 State Route 94 South), in the CB zone, of the Town of Warwick.

Representing the applicant: Dan Peveraro from The Lauro Group. Anthony Mole, Attorney.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – pending
4. Architectural Review Board – pending joint meeting 04/20/16
5. OC Planning Department – pending submittal
6. TW Building Department – 03/30/16 open permits for interior renovations (permit #20405), renovations (permit #21698), remove Provident Bank (permit #21700), repairs (permit #21701), and Pet Supplies (permit #23592). There is also \$500 in overdue invoices for fire inspections, etc.
7. The Town of Warwick General Notes shall be added to the plan.
8. Applicant to submit a general construction schedule to demonstrate that shopper safety will be addressed.
9. Waivers may be requested from the Town Board in exchange for provisions made for the Marginal Access Road through the property.
10. The proposed lighting must comply with the current Town Code §164-43.4.
11. Applicant to confirm lighting at entrances along accessory building; 5 footcandles are required.
12. Applicant to consider adding the lighting regulations and conformance on Sheet 3 (S1.1); there appears to be room and it will add clarity in the future.
13. A stormwater plan must be submitted in compliance with NYSDEC regulations and Town of Warwick Stormwater Code §164-47.10.
14. Applicant to clarify where snow stockpiling will take place.
15. The location of the existing septic system should be shown on the plan, including any information that is known about the septic system.
16. The location of the water tank is shown, but any additional information about the system should be added to the plan.
17. The maintenance company for the water and septic systems should be identified.
18. The 911 addresses for all businesses on this property must be shown on Sheet 1 in tabular format.
19. Any existing signage must be brought into compliance with the current Town Code.
20. A Master Sign Plan should be submitted to show signage throughout the project site, including directional information for the Marginal Access Road.
21. The landscaping plan must include notes and a detail for uncompacting soils where plantings are proposed in currently compacting soils (under pavement, etc.).

22. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”
23. The parking table notes that there are 11 proposed handicapped parking spaces. However, there are only 9 handicapped parking spaces shown on the plan. Applicant to update plan to provide 11 handicapped spaces. Consideration should be taken to replicate the number of handicapped spaces in proximity to the buildings.
24. Soil Erosion Control Plan – Access should be provided through the site. Currently, the two areas enclosed by silt fence does not allow for vehicles to pass through the site in a north to south direction.
25. Add notes to the plan to protect existing utilities during construction activities.
26. A Maintenance and Protection of Traffic plan should be prepared for the site to demonstrate access is provided throughout the site, as the site will be open to vehicular traffic during construction.
27. Provide truck turning diagrams throughout the parking lot to demonstrate that the proper emergency vehicles can travel through the parking lot.
28. The declaration information for the Aquifer and Agricultural Notes must be added to the plans.
29. Surveyor to certify that iron rods have been set at all property corners.
30. Payment of all fees.

The following comment submitted by the Conservation Board:

ShopRite Warwick – None submitted.

The following comment submitted by the ARB:

ShopRite- None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: We discussed this at the Work Session last Monday. I was under belief that it was an Unlisted Action. I didn't think there were any thresholds that the proposed expansion would trigger. I was wrong. One of the things I always do is check the Ag District Parcels when I am filling out the Resolution for Lead Agency. I discovered that this parcel is still located in a NYS Certified Agricultural District. What that does, it changes the project's classification from an Unlisted Action to a Type I Action. If there is a physical alteration of 10 or more acres involving a non-residential land use, then that would make it a Type I Action. If it is within an Agricultural District, it lowers the threshold to 2.5 acres. The Applicant is proposing 3.5 acres of disturbance. What this means is two things. One is that we would have to get the Applicant to provide us with a Full Environmental Assessment Form (EAF) because that is mandatory for Type I Actions. The Town Board would be an Involved Agency. We would need to circulate to them. It probably wouldn't be a bad idea to also circulate to the Zoning Board of Appeals just in case. I already communicated that to Dan. He is aware of that. He will provide the Planning Board with a Full EAF.

Mr. Astorino: Ok. Thank you.

Comment #2: Applicant to discuss project.

Dan Peveraro: The existing ShopRite located on Route 94S in the Town of Warwick is proposing an expansion on the left side of an 11,825 square feet. We would be expanding the vestibule of 3,067 square feet. The existing Rite Aid that is located as part of the store, we propose to remove that building. We would replace that with parking within that area. A marginal access road is proposed from Leo Kaytes to around the perimeter of the site towards Route 94 and exiting onto Warwick Turnpike. There would be signs installed that would direct traffic. The existing front isle is proposed to be bumped slightly inward towards the main parking lot to accommodate the 17-foot wide vestibule. Other than that, there are no major changes. There is an existing 4,000 s.f. restaurant pad located at the corner of Route 94 and Warwick Turnpike that is proposed to be removed and replaced with parking.

Mr. Astorino: As far as the marginal access road, you are in discussions with Leo Kaytes Dealership of where it would work with both parties. Is that correct?

Dan Peveraro: Yes. We just received a plan from Leo Kaytes with their proposed car wash layout today. We will be taking a look at that to see how it would work.

Mr. Astorino: Ok.

Comment #3: Conservation Board – pending

Comment #4: Architectural Review Board – pending joint meeting 04/20/16

Mr. Astorino: We had a Joint Meeting with the ARB this evening. There will be some comments from that meeting to the Applicant.

Comment #5: OC Planning Department – pending submittal

Comment #6: TW Building Department – 03/30/16 open permits for interior renovations (permit #20405), renovations (permit #21698), remove Provident Bank (permit #21700), repairs (permit #21701), and Pet Supplies (permit #23592). There is also \$500 in overdue invoices for fire inspections, etc.

Mr. Astorino: You will need to get in touch with the Building Department on those issues.

Comment #7: The Town of Warwick General Notes shall be added to the plan.

Dan Peveraro: Yes.

Comment #8: Applicant to submit a general construction schedule to demonstrate that shopper safety will be addressed.

Dan Peveraro: Ok. We are working on that.

Comment #9: Waivers may be requested from the Town Board in exchange for provisions made for the Marginal Access Road through the property.

Dan Peveraro: Ok.

Comment #10: The proposed lighting must comply with the current Town Code §164-43.4.

Dan Peveraro: Ok.

Comment #11: Applicant to confirm lighting at entrances along accessory building; 5 footcandles are required.

Dan Peveraro: Ok.

Comment #12: Applicant to consider adding the lighting regulations and conformance on Sheet 3 (S1.1); there appears to be room and it will add clarity in the future.

Dan Peveraro: Ok.

Comment #13: A stormwater plan must be submitted in compliance with NYSDEC regulations and Town of Warwick Stormwater Code §164-47.10.

Dan Peveraro: Is that a Full SWPPP that is required by this Board? Or, is that just the soil erosion control plan?

Laura Barca: It is governed by what the DEC requires first. You are disturbing 3.5-acres. In that Town Code Section, if you are disturbing somewhere greater than 1 and less than 5 acres, you have to do a certain number of requirements. There are certain things that you could do and take credit for that.

Dan Peveraro: Ok. I will have to take a look at that.

Ms. Little: Just for clarification, does that mean you don't have to do a SWPPP?

Mr. Bollenbach: It's a baby SWPPP. It shows mitigation, but it is not a full blown SWPPP.

Ms. Little: Ok.

Comment #14: Applicant to clarify where snow stockpiling will take place.

Dan Peveraro: Ok.

Comment #15: The location of the existing septic system should be shown on the plan, including any information that is known about the septic system.

Dan Peveraro: We do show on our plans existing sanitary lines that exits over here and enters a treatment facility. Then, it goes off site. I don't know too much about that. I do know that it should have been sized when it was approved for and including

a 4,000 s.f. restaurant. I don't anticipate any changes would be required due to the addition to ShopRite.

Ms. Little: However, depending on where you guys agree to do the marginal access road, could there be any interference with leach fields and the current way that it drains?

Dan Peveraro: There shouldn't be any interference especially with where we have it currently. I don't think there would be any interference on where we are looking to relocate it farther towards the rear. It gets farther away from where the sanitary goes. I would have to look into that.

Mr. Showalter: I would feel more comfortable that our Engineer thoroughly reviews it.

Laura Barca: Did you mention that the septic system goes off site?

Dan Peveraro: As far as I could tell. I don't really have any information.

Laura Barca: You are going to have to learn a little bit more about this.

Dan Peveraro: It looks like there is some sort of a treatment on site. Then, it looks like the pipe goes off site. I don't have any type of ShopRite record documents on file. I don't know if the Town has any records of it. It would be helpful if you could look into this.

Laura Barca: I could check into to see what the Town has if you could check to see if ShopRite has anything.

Dan Peveraro: I will check. But probably they would not have anything.

Mr. Astorino: Laura, we should have plans that shows what they had done in the 1990's. Is that correct?

Laura Barca: I will check on that.

Mr. Astorino: Laura will look into that.

Comment #16: The location of the water tank is shown, but any additional information about the system should be added to the plan.

Dan Peveraro: I discussed that with the architect. I will revisit that with them. They are looking into making sure that everything is adequate for the addition with respect to water. I don't think we have anything that shows anything then what we have.

Mr. Astorino: Laura, could you look into the water system also?

Laura Barca: Yes.

Mr. McConnell: How old is that water system? That may predate ShopRite.

Mr. Bollenbach: No. It does not.

Mr. Astorino: John is saying that was all new.

Mr. Showalter: I think that he is right. That was when they tore down the Lloyds building.

Mr. McConnell: If this were Greenwood Lake, we would ask them to do some inspections.

Laura Barca: Once we find out what the plans show, we will look into that.

Mr. McConnell: That would be done on both the water and septic. Is that correct?

Laura Barca: Yes.

Mr. McConnell: Ok.

Comment #17: The maintenance company for the water and septic systems should be identified.

Dan Peveraro: Ok.

Comment #18: The 911 addresses for all businesses on this property must be shown on Sheet 1 in tabular format.

Dan Peveraro: Ok.

Comment #19: Any existing signage must be brought into compliance with the current Town Code.

Dan Peveraro: This is in relation to that section of the Code that speaks on signs. There is a 10-year period. I think we are only 2 years into it. Is this a requirement with respect to that section or is it a requirement from the Board?

Mr. Bollenbach: It is a requirement. When you are before the Board for any approvals, it must be brought into compliance.

Dan Peveraro: Ok.

Comment #20: A Master Sign Plan should be submitted to show signage throughout the project site, including directional information for the Marginal Access Road.

Dan Peveraro: Is that directional signage or all signage including building signage?

Mr. Astorino: It is for all signs.

Dan Peveraro: Ok.

Comment #21: The landscaping plan must include notes and a detail for uncompacting soils where plantings are proposed in currently compacting soils (under pavement, etc.).

Dan Peveraro: Ok.

Comment #22: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”

Dan Peveraro: Ok.

Comment #23: The parking table notes that there are 11 proposed handicapped parking spaces. However, there are only 9 handicapped parking spaces shown on the plan. Applicant to update plan to provide 11 handicapped spaces. Consideration should be taken to replicate the number of handicapped spaces in proximity to the buildings.

Dan Peveraro: Ok.

Mr. Fink: I think the Applicant is proposing 45 additional spaces which is over and beyond of what the requirements are of the Code. If you could provide some sort of a rationale for why you are going over so much.

Dan Peveraro: Yes. Will do.

Comment #24: Soil Erosion Control Plan – Access should be provided through the site. Currently, the two areas enclosed by silt fence does not allow for vehicles to pass through the site in a north to south direction.

Laura Barca: That is just to keep the site open while you are working.

Dan Peveraro: All of that is followed by a note that says to be relocated by the contractor as necessary during the construction phasing. It has to be implemented by the contractor as he sees fit. It has to be there. It is hard to say how something would be phased without knowing the exact phasing.

Laura Barca: It is going to be there at some point. But, you are not going to do the contractor’s job. You are saying when it is going to be done.

Dan Peveraro: Right. I don’t know how the contractor is going to phase this. I don’t think he will have all of this with silt fences closed off all at the same time because there would be no parking. It would likely be done per section with silt fences as necessary.

Laura Barca: Ok.

Comment #25: Add notes to the plan to protect existing utilities during construction activities.

Dan Peveraro: Yes. We probably have something in our general notes. We will definitely add something. That is a note that should definitely be there.

Comment #26: A Maintenance and Protection of Traffic plan should be prepared for the site to demonstrate access is provided throughout the site, as the site will be open to vehicular traffic during construction.

Laura Barca: It kind of goes along with what you were just saying. During construction, how are you going to protect the people going in and out of the store and the parking lot?

Mr. McConnell: You might want to open up one part of the thing, then close it and open this when you get to that stage of the construction. Laura, is that what you are referring to?

Laura Barca: Yes.

Dan Peveraro: I can't get into the means and methods of construction.

Laura Barca: Right.

Dan Peveraro: It would be difficult for me to put together a MPT. Usually even for things that are within the DOT Right-Of-Way, they require a MPT Plan. Usually we take the standard DOT sheet and that is what we submit to them. It is very general.

Mr. McConnell: Are there undertakings on the plans that you are referring to that says we shall at all times be in conformance with DOT?

Laura Barca: Maybe we could put a note on the plan that says that you will be in conformance with DOT and MPT Plan or the contractor will prepare an MPT Plan.

Dan Peveraro: Ok. I think the DOT MPT Plan is a little bit of an overkill for this.

Mr. Astorino: If the contractor could prepare one that fits this site for what he would be doing, I don't think it would be a major undertaking.

Mr. Bollenbach: Laura, could that be submitted at a pre-construction conference?

Laura Barca: Yes.

Mr. Astorino: Let's change the note to state that.

Comment #27: Provide truck turning diagrams throughout the parking lot to demonstrate that the proper emergency vehicles can travel through the parking lot.

Dan Peveraro: Is that in relation to the NYS Fire Code that an emergency vehicle could get through every space in the parking lot?

Laura Barca: Yes. It's to gain access to all of the building areas from all directions. It is not necessarily all of the spaces in the parking lot.

Dan Peveraro: Ok. Is there a particular truck a WB40 that you would want to see on that?

Laura Barca: That, I do not know.

Dan Peveraro: Ok.

Laura Barca: How big is a fire truck?

Mr. Bollenbach: We could get that information.

Mr. Astorino: Mr. McDonald should know that.

Mr. McDonald: They are typically 35 feet or so.

Dan Peveraro: Is it articulated?

Mr. Showalter: No.

Connie Sardo: Wayne Stevens the Building Inspector would have all of that information.

Mr. Showalter: It is a tower ladder truck.

Mr. Astorino: It is probably about 35 to 38 feet.

Mr. Showalter: It might even be 40 feet. It is long.

Comment #28: The declaration information for the Aquifer and Agricultural Notes must be added to the plans.

Dan Peveraro: Ok.

Comment #29: Surveyor to certify that iron rods have been set at all property corners.

Dan Peveraro: I will check with the Surveyor on that.

Comment #30: Payment of all fees.

Dan Peveraro: Ok.

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

Mr. Bollenbach: I don't see any comment regarding the landscaping. Ted, do you want to touch on that briefly?

Mr. Fink: The Applicant had provided us with some general information. I believe they will be providing more detailed information on landscaping as well as signage and lighting.

Dan Peveraro: Our landscaping plan was general. We didn't detail it out fully with specimens. We have all intentions on working with the Board and Planner to come up with something suitable for everyone.

Mr. Astorino: Ted, I am sure you would have discussions with Applicant about this matter.

Mr. Fink: Yes. You could give me a call.

Dan Peveraro: Ok.

Mr. Astorino: Ok. You have some stuff to do. The ARB will get you some comments.

Dan Peveraro: What is the next step? How do we get to another meeting?

Connie Sardo: You are going to have to take care of these comments that you were given tonight. Then, you would have to revise your plans and resubmit them to the Planning Board. You could always email or call me. The most important thing is when you submit the revised plans, you will need to submit to me the full EAF.

Dan Peveraro: Ok.

Mr. Bollenbach: Hopefully by then, you would have more concrete details on the marginal access road so that the Board could consider it at the next meeting. Then from there on we anticipate you making an application request to the Town Board regarding the marginal access and a waiver of the increase in the square footage. It is minor, but it would be something that you should address with the Town Board.

Anthony Mole: Once this Board is satisfied with the location of the marginal access, then we could move forward.

Mr. Bollenbach: Correct. Then, you could proceed with the Town Board.

Mr. Astorino: Do you have any other questions?

Dan Peveraro: No. Thank you.

Other Considerations:

1. Planning Board Minutes of 4/6/16 for PB Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 4/6/16.

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

2. Planning Board to discuss cancelling the 4/25/16 Work Session & 5/4/16 PB Meeting.

Mr. McConnell makes a motion to cancel the 4/25/16 Work Session & 5/4/16 PB Meeting.

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

Correspondences:

1. Memo from John Bollenbach addressed to the Planning Board, dated April 14, 2016 in regards to the Black Bear Campground.

Mr. Bollenbach: I will give the Board a quick update on Black Bear Campground. There is a note on the plan that the applicant has a misunderstanding that it is only the 86 new campsites which are abound by the 120-day maximum length of stay. That is not the case. We have looked at the old prior Code when this was originally approved. No, it was never intended for year round use. It was only intended to be temporary. The 1977 Code has referenced to temporary occupancy and the County Health permits that were issued at that time were for temporary occupancy. Our current Code, I believe is consistent with the 1980 original approval of the campground. The proper procedure is to make a request for an interpretation from the Building Inspector. It would be up to the Applicant from there if they would wish to challenge it. They could go to the ZBA. It puts it into motion so that we could get this resolved.

Mr. Astorino: The Planning Board needs to request an interpretation from the Building Inspector. Is that correct?

Mr. Bollenbach: Yes.

Mr. McConnell: John, the previous Code spoke in terms of temporary not in terms of specific number of days. Is that correct?

Mr. Bollenbach: Yes.

Mr. McConnell: Today, does the current Code talk about a specific number of days?

Mr. Bollenbach: Yes. It is a 120-day maximum.

Mr. McConnell: What are we asking for an interpretation of from the Building Inspector?

Mr. Bollenbach: It is the Planning Board requesting an interpretation from the Town Building Inspector as to whether the length of occupancy from the current Code applies to the original 74 campsites approved in 1980.

Mr. McConnell: Ok. That just seems like an odd thing to request from a Building Inspector an interpretation.

Mr. Bollenbach: A challenge to an interpretation of the Building Inspector goes to the Zoning Board of Appeals. These are the administrative remedies that the applicant would have to pursue before Legal Action could be taken or a denial issued.

Mr. McConnell: Ok.

Mr. Astorino: Do we have a consensus from the Board on sending a memo to the Building Inspector asking for an interpretation?

Mr. Kennedy: Yes.

Mr. McConnell: Yes.

Mr. Showalter: Yes.

Ms. Little: Yes.

Mr. Astorino: Ok. We have a consensus from the Board on sending a memo to the Building Inspector. John will take care of that.

Mr. Bollenbach: Yes.

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 20, 2016 Planning Board Meeting.

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