

TOWN OF WARWICK PLANNING BOARD

May 4, 2011

Members present: Chairman, Benjamin Astorino
Russell Kowal, Dennis McConnell
Roger Showalter, Carl Singer, Beau Kennedy
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, May 4, 2011 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

Review of Submitted Maps:

Lands of Sayed Shah

Application for Site Plan Approval and Special Use Permit for the construction and use of a 7,200 square-foot commercial building, situated on tax parcel S 3 B 1 L 43; parcel located on the western side of County Route 1 980 feet north of Liberty Corners Road (831 C.R. 1), in the LB zone, of the Town of Warwick.

Representing the applicant: James Ramos from Kirk Rother Engineering.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 05/03/11 no comments at this time.
4. Architectural Review Board comments: 04/27/11 no comments at this time.
5. OCPD GML Review: pending submittal
6. Site inspection to look at previous land clearing, access points, etc.
7. Biodiversity should be added to the District Overlay Table; project is not within the biodiversity overlay district.
8. Applicant should clarify if this application is for a site plan, as well as special use.
9. The deed for the property has been provided and this information should be added to the Site Plan Application.
10. The deeds for the rights-of-way shown on the drawing should be submitted to gain a better understanding of who has access across these rights-of-way.
11. The proposed grading as well as the proposed area of disturbed area must be shown on the plan.
12. Applicant to clarify if a SWPPP is required.
13. A signage and striping plan for both the proposed building on 3-1-43 and the existing structures on 3-1-44 should be prepared. This will show the purpose of the existing impervious area, which may be able to be reduced as part of this application.

14. The maximum size of truck expected to be used at this site should be noted on the plan: “This site plan has been designed for a maximum truck size of X with a turning radius of Y”; please refer to the AASHTO Design Vehicles.
15. All wells and septic systems within 200-ft must be shown.
16. The proposed septic system discharge amount must be shown so that it can be determined who will be reviewing the proposed septic system.
17. The number of employees and other pertinent data must be shown to determine who will be reviewing the proposed water supply well.
18. Architectural information for the proposed structure will submitted for review and comment prior to an approval being granted.
19. Planning Board to determine if letters must be sent to school, fire, police, and ambulance.
20. There is an existing right-of-way along the south end of the property; what is the purpose of this ROW?
21. There is an existing right-of-way that partially lies within the western edge of the property; what is the purpose of this ROW?
22. It should be clarified if the setback line should be measured from the southwestern property line or the existing ROW line. The proposed building must lie within the proper setbacks (the southwest corner of the proposed building is not within the setbacks currently as shown).
23. This property borders the SL (Suburban Residential Low Density) zoning district to the west, which means that the setback should be 100-ft instead of 50-ft on this side.
24. The proposed shared driveway easement stops approximately 2/3rds the way through the property; however, there appears to be an existing exit that continues through the entire property. The Applicant should clarify if the shared driveway easement should continue to the end of this property.
25. NYSDEC Enviromapper should be printed in color and submitted showing at least 200-ft past the property line.
26. The FEMA floodplain map should be printed in color and submitted showing at least 200-ft past the property line.
27. The Federal Wetland mapping should be completed and submitted showing at least 200-ft past the property line.
28. OCDPW review and approval for the driveway entrance, even though it will be using an existing entrance. OCDPW may reduce the width of the existing entrance and propose improvements to be in compliance with its current entrance permit standards.
29. A note should be added to the plan stating that the Planning Board approval of this plat shall not constitute an approval of any existing site plan features shown on these plans, including encroachments. These features and encroachments are existing conditions that are not being altered by this Planning Board approval.
30. A shared driveway agreement for the driveways on lots 3-1-43 and 3-1-44 should be submitted; both are currently owned by Sayed Shah.
31. Private road use and maintenance information to be shown on the drawings.
32. The declaration information for the Agricultural Notes will need to be shown.
33. Surveyor to certify that iron rods have been set at all property corners.
34. Payment of all fees.

The following comment submitted by the Conservation Board, dated 5/4/11:

Lands of Sayed Shah – The CB has no comments at this time.

The following comment submitted by the ARB:

Lands of Sayed Shah – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: This SEQR comment has been prepared by Mr. Ted Fink, dated 5/4/11: *“The applicant has submitted a 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. Showalter makes a motion for Lead Agency.

Seconded by Mr. Singer. 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: Shah Commercial Development

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan/Special Use Permit application for a proposed 7,200 square foot commercial structure for a ± 1.4 acre parcel of land located at Pine Island Turnpike, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 4-5-11 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 completed, forwarded to farmers in the surrounding area and 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.

Mr. Astorino: James, do you have anything to add? The bottom line is that we went out to the site for a site visit today. There was some clearing done. Laura, does the location of the building have to be changed from what is on the plan right now that you had received?

Laura Barca: Yes.

Comment #3: Conservation Board comments: 05/03/11 no comments at this time.

Comment #4: Architectural Review Board comments: 04/27/11 no comments at this time.

Mr. Astorino: There are no comments from the CB and ARB at this time. We will list comments 5 through 34 for the record. Once you resubmit new plans with the new location of the building, then we could give you some accurate comments on it.

James Ramos: Ok.

Mr. McConnell: The plan that we have right now, I know the plan will be changed, but I see on this plan that there are 6 spaces. I have seemed to recall when we were at the site that there are no specific types of tenants contemplated for this building.

Mr. Astorino: They will have to give us a laundry list of possible tenants and uses. John, I think we have done that before of what possibly could go into this and go on a highest level for parking, septic, etc...

Mr. Bollenbach: Yes.

Mr. McConnell: It just seems like for a 7,200 s.f. building with 6 parking spaces doesn't seem adequate.

Mr. Bollenbach: It would all depend on the type of use. They would have to show traffic circulation, parking accommodation, water usage, septic, drainage, etc.

James Ramos: Ok.

Mr. Astorino: Once you resubmit to the Planning Board, we will discuss the project in more depth. You will be back.

James Ramos: Ok. Thank you.

Comment #5: OCPD GML Review: pending submittal

Comment #6: Site inspection to look at previous land clearing, access points, etc.

Comment #7: Biodiversity should be added to the District Overlay Table; project is not within the biodiversity overlay district.

Comment #8: Applicant should clarify if this application is for a site plan, as well as special use.

Comment #9: The deed for the property has been provided and this information should be added to the Site Plan Application.

Comment #10: The deeds for the rights-of-way shown on the drawing should be submitted to gain a better understanding of who has access across these rights-of-way.

Comment #11: The proposed grading as well as the proposed area of disturbed area must be shown on the plan.

Comment #12: Applicant to clarify if a SWPPP is required.

Comment #13: A signage and striping plan for both the proposed building on 3-1-43 and the existing structures on 3-1-44 should be prepared. This will show the purpose of the existing impervious area, which may be able to be reduced as part of this application.

Comment #14: The maximum size of truck expected to be used at this site should be noted on the plan: "This site plan has been designed for a maximum truck size of X with a turning radius of Y"; please refer to the AASHTO Design Vehicles.

Comment #15: All wells and septic systems within 200-ft must be shown.

Comment #16: The proposed septic system discharge amount must be shown so that it can be determined who will be reviewing the proposed septic system.

Comment #17: The number of employees and other pertinent data must be shown to determine who will be reviewing the proposed water supply well.

Comment #18: Architectural information for the proposed structure will submitted for review and comment prior to an approval being granted.

Comment #19: Planning Board to determine if letters must be sent to school, fire, police, and ambulance.

Comment #20: There is an existing right-of-way along the south end of the property; what is the purpose of this ROW?

Comment #21: There is an existing right-of-way that partially lies within the western edge of the property; what is the purpose of this ROW?

Comment #22: It should be clarified if the setback line should be measured from the southwestern property line or the existing ROW line. The proposed building must lie within the proper setbacks (the southwest corner of the proposed building is not within the setbacks currently as shown).

Comment #23: This property borders the SL (Suburban Residential Low Density) zoning district to the west, which means that the setback should be 100-ft instead of 50-ft on this side.

Comment #24: The proposed shared driveway easement stops approximately 2/3rds the way through the property; however, there appears to be an existing exit that continues through the entire property. The Applicant should clarify if the shared driveway easement should continue to the end of this property.

Comment #25: NYSDEC Enviromapper should be printed in color and submitted showing at least 200-ft past the property line.

Comment #26: The FEMA floodplain map should be printed in color and submitted showing at least 200-ft past the property line.

Comment #27: The Federal Wetland mapping should be completed and submitted showing at least 200-ft past the property line.

Comment #28: OCDPW review and approval for the driveway entrance, even though it will be using an existing entrance. OCDPW may reduce the width of the existing entrance and propose improvements to be in compliance with its current entrance permit standards.

Comment #29: A note should be added to the plan stating that the Planning Board approval of this plat shall not constitute an approval of any existing site plan features shown on these plans, including encroachments. These features and encroachments are existing conditions that are not being altered by this Planning Board approval.

Comment #30: A shared driveway agreement for the driveways on lots 3-1-43 and 3-1-44 should be submitted; both are currently owned by Sayed Shah.

Comment #31: Private road use and maintenance information to be shown on the drawings.

Comment #32: The declaration information for the Agricultural Notes will need to be shown.

Comment #33: Surveyor to certify that iron rods have been set at all property corners.

Comment #34: Payment of all fees.

Global Tower Partners 15 Pysners Peak Wireless Facility

Application for Site Plan Approval and Special Use Permit for the “**Renewal**” of the Special Use Permit for the continued use of an existing wireless telecommunications facility, situated on tax parcel S 58 B 1 L 18.22; project located on the eastern side of Pysners Peak 690± feet north of State Highway 17A (15 Pysners Peak), in the MT zone, of the Town of Warwick. Previously discussed at the 3/16/11 Planning Board Meeting.

Representing the applicant: John First from Cuddy & Feder, LLP.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 05/03/11 no comments at this time.
4. Architectural Review Board comments: 04/27/11 no comments at this time.
5. Wireless Telecommunication Facility Board comments:
6. OCPD: 03/17/11; local determination with no advisory comments
7. §164-79.A.(1)(a) The Planning Board must determine if additional landscaping should be installed.
8. §164-80.B.(1). This special use application requires proof that the Applicant is a licensed carrier; none was submitted. If Global Tower is the tower owner and not a licensed carrier, this shall be stated in writing from the Applicant.
9. Appendix C of the Structural Analysis of the 223-ft tower (Due Diligence Report, 11/12/10) identified deficiencies and recommendations (priority A through E). It is recommended that the Applicant provide a schedule of how and when these items will be addressed. The post TIA report for the 223-ft tower has not been submitted.
10. The Structural Analysis was submitted for the 180-ft structure and it was inspected in accordance with the latest structural analysis report and is found to be in good condition and the foundations are acceptable. The latest ANSI-TIA-222-G standards were used in the analysis report (good). HDR DID NOT REVIEW THE STRUCTURAL ANALYSIS IN DETAIL.
11. A note has been added to Sheet C-1, but this note should be expanded to state that the installation of the drainage improvements must be in coordination with and acceptable to the Town of Warwick Commissioner of the Department of Public Works (TW DPW).
12. Private Road Notes should be shown on the plans.
13. The declaration information for the Ridgeline Overlay Notes will need to be shown on the drawing.
14. Payment of all fees.
15. In accordance with §164-86.C, the Special Use Permit is valid for 5 years. At that time, the Special Use Permit must either be renewed before the Planning Board or the tower removed.
16. The tower owner, holder of the Special Use Permit, shall submit evidence of compliance with the FCC standards, including Radio Frequency Radiation (RFR), on a yearly basis to the Planning Board (§164-78.D).
17. The tower owner, holder of the Special Use Permit, shall be structurally inspect the tower annually; this report shall be certified by a Professional Engineer (§164-83.B).

18. After Planning Board Approval of a Special Use Permit, (which is valid for 5 years) notification must be given to the Building Department that the Special Use had been renewed.

The following comment submitted by the Conservation Board, dated 5/4/11:

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

The following comment submitted by the ARB:

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

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: This SEQR comment has been prepared by Mr. Ted Fink, dated 5/4/11: *“No SEQR actions need to be taken on this application. It is a Type 2 Action and ready for Planning Board action.”*

Comment #2: Applicant to discuss project.

John First: This application is for the Renewal of a Special Use Permit. There are no new antennas and/or equipment proposed on this application. I would be happy to discuss some of our comments to your Planner or Engineer’s comments. I don’t know if you want to go through that now.

Mr. Astorino: We will go through the comments that we have tonight.

Comment #3: Conservation Board comments: 05/03/11 no comments at this time.

Comment #4: Architectural Review Board comments: 04/27/11 no comments at this time.

Comment #5: Wireless Telecommunication Facility Board comments:

Mr. Astorino: I do not see any comments from the Wireless Telecommunication Facility Board at this time.

Comment #6: OCPD: 03/17/11; local determination with no advisory comments.

Comment #7: §164-79.A.(1)(a) The Planning Board must determine if additional landscaping should be installed.

Mr. Astorino: Laura and I had made a site visit. I don’t see it as a need. I don’t know what you think.

Laura Barca: No. I don’t think there is a need.

Comment #8: §164-80.B.(1). This special use application requires proof that the Applicant is a licensed carrier; none was submitted. If Global Tower is the tower owner and not a licensed carrier, this shall be stated in writing from the Applicant.

John First: Right. We had done that in our last submittal on 5/2/11.

Mr. Astorino: Obviously, we had not had the chance to review that yet.

Laura Barca: We just received that submittal.

Connie Sardo: We just received the revised maps yesterday late in the afternoon.

Mr. Astorino: Let us go through the rest of these comments. We will see what happens as we go along.

Comment #9: Appendix C of the Structural Analysis of the 223-ft tower (Due Diligence Report, 11/12/10) identified deficiencies and recommendations (priority A through E). It is recommended that the Applicant provide a schedule of how and when these items will be addressed. The post TIA report for the 223-ft tower has not been submitted.

John First: We are expecting to have that within 4 to 6 weeks.

Mr. Astorino: Ok. John, would we need that before we take any action?

Mr. Bollenbach: That could be a condition of the approval.

Mr. Astorino: Ok.

Comment #10: The Structural Analysis was submitted for the 180-ft structure and it was inspected in accordance with the latest structural analysis report and is found to be in good condition and the foundations are acceptable. The latest ANSI-TIA-222-G standards were used in the analysis report (good). HDR DID NOT REVIEW THE STRUCTURAL ANALYSIS IN DETAIL.

Mr. Astorino: Laura, what does that mean?

Mr. Bollenbach: Does that still has to be done?

Laura Barca: No. That is in the record showing that they have a P.E. that prepared and signed it. That was just an item that was outstanding. Now, we have it submitted. It is acceptable to us. We are taking their P.E. seal on it. We are not reviewing it.

Mr. Astorino: Ok.

Comment #11: A note has been added to Sheet C-1, but this note should be expanded to state that the installation of the drainage improvements must be in coordination with and acceptable to the Town of Warwick Commissioner of the Department of Public Works (TW DPW).

Comment #12: Private Road Notes should be shown on the plans.

Mr. Bollenbach: We could discuss comments 11 and 12 together. We do have Private Road notes on the plan. There is a Private Road Use and Maintenance Agreement that should be referenced.

John First: Ok.

Mr. Bollenbach: I would have to review that to see the terms and conditions of that. It was supposed to have provided for the ongoing maintenance and upkeep of that road. I believe it services 4 separate lots. I don't know if it is 4 or 5 lots.

Mr. Astorino: Laura, how many are up there?

Laura Barca: There are 3 residential lots plus the cell tower on one end. On the other end is where the Hawk site is.

Mr. Astorino: Ok.

Mr. Bollenbach: It is the concern over the ongoing maintenance of that road that are shared by multiple lots. That will have to be reviewed and coordinated with the drainage. You would have to show some detail as to what type of drainage facilities or structures and piping. Would pavement be necessary? What would the extent of paving be? You will need to get something on the plans to show what will be done.

John First: Right. I think on our latest set of plans that we just submitted, I believe addresses most of those issues. I am not 100% sure. Do you want a copy of the Use & Maintenance Agreement?

Mr. Bollenbach: I believe we do have one on file.

Mr. Astorino: Laura has it.

Mr. Bollenbach: We will take a look at it. Laura will review the details.

John First: Ok.

Mr. Astorino: The road condition is poor at this point. The asphalt portion of it is in poor condition. Laura, were you up there yesterday?

Laura Barca: Yes.

Mr. Astorino: Do you want to comment on that?

Mr. Bollenbach: Let us see what they have proposed. We could review that. We will get in touch with you on that.

John First: Ok.

Mr. Astorino: As far as the drainage, I don't know if your office was involved in what needs to be done out there.

John First: I think the latest set of plans address the drainage issues.

Mr. Astorino: Laura, did you get a chance to review that yet?

Laura Barca: No. I just received that submittal yesterday.

Mr. Astorino: Ok.

Comment #13: The declaration information for the Ridgeline Overlay Notes will need to be shown on the drawing.

Mr. Bollenbach: I had taken a look at that. There was a declaration entered into what I believe was Chill Cellular at the time.

John First: Correct.

Mr. Bollenbach: The U.S. Department of Interior, it was quite extensive. There were no additional structures that could be placed on the property. There were no further visual impacts. It was quite extensive. What we could do, underneath the Overlay Table, we could put an asterisk next to the Ridgeline Overlay. Underneath that, just say that a detailed declaration has been recorded liber/page to reference the prior declaration. Give a little summary restricting further structures, visual impacts, etc... That would satisfy the intent.

John First: We have a new note on the revised plans. I think we even had it on the prior plans.

Mr. Bollenbach: Ok.

Mr. McConnell: John, you said there was a declaration of the Department of the Interior that prohibits any additional or further construction. Don't we have an application that is going to require an additional structure placed on that property?

Mr. Bollenbach: Let me clarify that. It would be for the additional structure of the antennas.

Mr. McConnell: It wouldn't be of the shed and the storage of equipment.

Mr. Bollenbach: There is nothing regarding the colors. I am sure the applicant would agree to earth tone colors of those little structures. That would bring it into full compliance.

John First: Yes. Verizon is pretty good about that.

Mr. Bollenbach: Yes. I am satisfied.

Comment #14: Payment of all fees.

John First: Yes.

Comment #15: In accordance with §164-86.C, the Special Use Permit is valid for 5 years. At that time, the Special Use Permit must either be renewed before the Planning Board or the tower removed.

John First: Yes.

Comment #16: The tower owner, holder of the Special Use Permit, shall submit evidence of compliance with the FCC standards, including Radio Frequency Radiation (RFR), on a yearly basis to the Planning Board (§164-78.D).

Laura Barca: We received it for this application. But the four notes, note numbers 15, 16, 17, and 18 are notes on the applicant of certain permits that need be renewed on either an annual basis or at the renewal of the special use permit every 5 years.

John First: It is an ongoing requirement.

Laura Barca: Yes.

Mr. Astorino: You are fully aware of that.

John First: Yes.

Mr. Bollenbach: There is just one other item. There was a deed that shows that Chill Cellular Corp. owns the property, the lot itself. I looked in the Assessor's office. It still states Chill Cellular Corp. The application would need to be revised to indicate Chill Cellular Corp. That is the owner of the property. I believe it is Global Tower Partners, which is the owner of the facility or the improvement of the tower. You will need to indicate the property owner.

John First: Ok. I believe Global Tower bought out Chill Cellular Corp.

Mr. Bollenbach: We still have it in the Assessor's office and in the deed that was provided indicating Chill Cellular Corp. It did say in care of Global Tower Partners as a mailing address.

Mr. Astorino: Let's get it all changed now.

Mr. Bollenbach: Yes.

Mr. McConnell: Somebody may have left it as an existing issue. They didn't necessarily merge it out of existence. Do you have any idea on that?

John First: I don't know. I would have to talk to Global Tower about that.

Mr. Astorino: If you could, please find that out.

Mr. Bollenbach: That is just housekeeping. I would like to have all of that resolved right now.

Comment #17: The tower owner, holder of the Special Use Permit, shall be structurally inspect the tower annually; this report shall be certified by a Professional Engineer (§164-83.B).

Comment #18: After Planning Board Approval of a Special Use Permit, (which is valid for 5 years) notification must be given to the Building Department that the Special Use had been renewed.

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

Mr. McConnell: Laura, I would like some clarification regarding comment #9. Comment #9 talks about the Structural Analysis identifying deficiencies and recommendations priority A through E. I don't know if A is the highest priority.

Laura Barca: Right. A, is the highest priority.

Mr. McConnell: Could you reconcile Comment #9 with Comment #10 the Structural Analysis that says that it is in good condition?

Laura Barca: The Structural Analysis of the tower is the structure of the tower itself. Then, the Due Diligence Report is on all of those little antennas and little things.

Mr. McConnell: Comment #10 says that a Structural Analysis was submitted for the 180-foot structure.

Laura Barca: Right.

Mr. McConnell: Is that not the tower?

Laura Barca: There are (2) Towers. There is a 180-foot tower and a 223-foot tower.

Mr. McConnell: Ok. The 223-foot tower has deficiencies and the 180-foot tower is ok. Is that correct?

Laura Barca: Yes.

Mr. McConnell: How serious are these deficiencies? Comment #10 seems to say, don't worry about it. I am just trying to figure it out.

Laura Barca: Comment #10 is for the 180-foot structure. That is completely different. Comment #9 is for the 223-foot tower. That was the Due Diligence Report. It is mostly related to that it has rust on it, but it is not failing. It will not break tomorrow, but it is rusting.

Mr. McConnell: Right. You said that it is mostly related to that. What is the rest of it?

Laura Barca: I don't have the report in front of me.

Mr. McConnell: I am concerned that we have deficiencies of the highest priority identified here. I don't have any idea on what they are.

Mr. Astorino: I am sure we will have that by the next work session.

Mr. McConnell: We could reasonably make them just a condition of the final approval. I would like some information on that.

John First: I don't have the report in front of me. Usually it is a matter of tightening a bolt here and there. Or, maybe adding a bracket or a brace to it. Usually many Boards will carry it over as a condition of the approval.

Laura Barca: Right.

Mr. Astorino: Laura, do we have access to the report?

Laura Barca: Yes.

Mr. Astorino: We will be setting this for a public hearing. We will have a chance to review that.

Laura Barca: There are two different reports for each tower. We have already received the structural report for the 223-foot tower. That report states that it is fine. That would be for the tower itself and the foundation of it. The Due Diligence Report is about all of the fixtures, fittings, brackets, and braces.

Mr. McConnell: Maybe my problem is just the way it is. It is pushing things together where it should be separately delineated so that those of us who don't review reports would better understand on what is happening.

Laura Barca: Ok.

Mr. McConnell: Thank you.

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

Mr. McConnell makes a motion to set the Global Tower Partners 15 Pysners Peak Wireless Facility application for a Public Hearing at the next available agenda.

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

Mr. Astorino: That would be for the Planning Board meeting of 6/1/11 and the Work Session of 5/23/11.

John First: Ok. Do you need us to attend the Work Session?

Mr. Astorino: You should have someone there.

Mr. Bollenbach: You should have someone present at the Work Session just in case any of the Board members have any questions or potential issues they would like to discuss and resolve.

John First: Ok. Thank you.

Thomas Zoufaly

Application for Sketch Plat Review & Final Approval for a proposed Lot Line Change, situated on tax parcels S 31 B 2 L 66.13 and L 93.2; parcels located on the northern side of Sleepy Valley Road 2,200 feet south of West Ridge Road, in the RU Zone, of the Town of Warwick.

Representing the applicant: Karen Emmerich from Lehman & Getz Engineering.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 05/03/11 no comments at this time.
4. Architectural Review Board comments: 04/27/11 no comments at this time.
5. OCPD GML Review: pending submittal
6. In order to execute this lot line change, the Applicant requires area variances for the lot area of both newly configured lots and the minimum lot width for 31-2-66.13 from the Zoning Board of Appeals.
7. There are also pre-existing non-conforming setbacks associated with these two lots: minimum lot width for 31-2-93.2, minimum side yard setbacks for both lots, and both side yard setbacks for 31-2-93.2.
8. The Agricultural Data Statement states that there is a farming operation within 500-ft of the property, but none are listed; the farm operation(s) within 500-ft of the property must be listed on this form.
9. A note should be added to the plan stating that if either existing septic system fails that the system will not be replaced in its current location; a new septic system designed in accordance with all applicable standards, including separation distances, soil conditions, appropriate water usage (i.e., if an older home without water saving devices 150 gpd/bedroom should be used), etc. shall be located on the lot.
10. A note should be added to the plan stating that the Planning Board approval of this plat shall not constitute an approval of any site plan features shown on these plans, including encroachments. These features and encroachments are existing conditions that are not being altered by this Planning Board approval.
11. It appears that a roadway dedication to benefit the Town should be offered for the portion of Sleepy Valley Road that is currently owned by the Applicant (25-ft from the centerline of the road).
12. A shared driveway agreement for the driveways on lots 31-2-93.2 and 31-2-66.13 should be submitted; both are currently owned by Thomas Zoufaly.
13. The declaration information for the Agricultural and Ridgeline Notes will need to be shown on the drawing.
14. Surveyor to certify that iron rods have been set at all property corners.
15. Payment of all fees.

The following comment submitted by the Conservation Board, dated 5/4/11:

Thomas Zoufaly – The CB has no comments.

The following comment submitted by the ARB:

Thomas Zoufaly – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: This SEQR comment has been prepared by Mr. Ted Fink, dated 5/4/11: *“I prepared a Lead agency resolution and a draft Negative Declaration if the Planning Board is ready to waive the public hearing. If the applicant needs an area variance from the ZBA, then you may want to hold off on SEQR until this occurs. However, there are no SEQR issues since it does not involve construction.”*

Mr. Showalter makes a motion for Lead Agency.

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

617.12(b)

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

Name of Action: Zoufaly Re-Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed lot line alteration, Town of Warwick, Orange County, New York, and

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

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 3-29-11, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

Now Therefore Be It Resolved, that the Planning Board adopts the findings and conclusions relating to probable environmental effects contained within the attached EAF and Negative Declaration and authorizes the Chair to execute the EAF and file the Negative Declaration in accordance with the applicable provisions of law, and

Be It Further Resolved, that the Planning Board authorizes the Chair to take such further steps as might be necessary to discharge the Lead Agency's responsibilities on this action.

Comment #2: Applicant to discuss project.

Karen Emmerich: Mr. Zoufaly owns two properties. One property fronts on Sleepy Valley Road, which is his residence. The 2nd property is another dwelling that fronts onto Fern Place, which is a private road. Mr. Zoufaly owns that dwelling. I don't know if he rents it out or if his family lives there. They are two separate lots. He wants to more evenly divide the lots. The two framed barns that are shown on the lot that fronts on Fern Place, he would like to have that included on his residential lot. That is why he wants to have a lot line change.

Mr. Bollenbach: Karen, would he need the area variances?

Karen Emmerich: Yes.

Mr. Bollenbach: Is it for area variances and setback variances?

Karen Emmerich: He has some existing non-conforming. He would need area variances for each lot. He would need a lot width variance for the lot on Fern Place. That is it. The others are pre-existing non-conforming.

Mr. Bollenbach: Are there any other comments you would like to discuss? Are you going to the ZBA?

Karen Emmerich: Yes. We are scheduled for the ZBA.

Mr. Bollenbach: Would the Board want to make a recommendation for this application to the ZBA?

Mr. Astorino: Yes. I would make a favorable recommendation to the ZBA. Is the rest of the Board in consensus of a favorable recommendation?

Mr. McConnell: Yes.

Mr. Kowal: Yes.

Mr. Showalter: Yes.

Comment #3: Conservation Board comments: 05/03/11 no comments at this time.

Comment #4: Architectural Review Board comments: 04/27/11 no comments at this time.

Comment #5: OCPD GML Review: pending submittal.

Mr. Astorino: We will list comments 6 through 15 for the record. We will give you a favorable recommendation to the ZBA.

Karen Emmerich: Ok. I had one question about the Ag Data Statement. Was there an area in the Ag Data Statement that wasn't listed on there that there was a farm operation?

Laura Barca: Right. I don't think there wasn't anything listed on the Ag Data Statement.

Mr. Astorino: Laura, please review that and check it out.

Laura Barca: Ok.

Mr. Bollenbach: Does the Board feel that they might want to waive the public hearing on this application sometime in the future?

Mr. Astorino: Yes.

Mr. Showalter: Yes.

Mr. Kowal: Yes.

Mr. Bollenbach: We will do that motion later on.

Karen Emmerich: That would be great. There is no new construction proposed. I just want to make that clear.

Mr. Bollenbach: Great.

Karen Emmerich: Ok. Thank you.

Comment #6: In order to execute this lot line change, the Applicant requires area variances for the lot area of both newly configured lots and the minimum lot width for 31-2-66.13 from the Zoning Board of Appeals.

Comment #7: There are also pre-existing non-conforming setbacks associated with these two lots: minimum lot width for 31-2-93.2, minimum side yard setbacks for both lots, and both side yard setbacks for 31-2-93.2.

Comment #8: The Agricultural Data Statement states that there is a farming operation within 500-ft of the property, but none are listed; the farm operation(s) within 500-ft of the property must be listed on this form.

Comment #9: A note should be added to the plan stating that if either existing septic system fails that the system will not be replaced in its current location; a new septic system designed in accordance with all applicable standards, including separation distances, soil conditions, appropriate water usage (i.e., if an older home without water saving devices 150 gpd/bedroom should be used), etc. shall be located on the lot.

Comment #10: A note should be added to the plan stating that the Planning Board approval of this plat shall not constitute an approval of any site plan features shown on these plans, including encroachments. These features and encroachments are existing conditions that are not being altered by this Planning Board approval.

Comment #11: It appears that a roadway dedication to benefit the Town should be offered for the portion of Sleepy Valley Road that is currently owned by the Applicant (25-ft from the centerline of the road).

Comment #12: A shared driveway agreement for the driveways on lots 31-2-93.2 and 31-2-66.13 should be submitted; both are currently owned by Thomas Zoufaly.

Comment #13: The declaration information for the Agricultural and Ridgeline Notes will need to be shown on the drawing.

Comment #14: Surveyor to certify that iron rods have been set at all property corners.

Comment #15: Payment of all fees.

Watchtower Bible & Tract Study

Application for Site Plan Approval and Special Use Permit for the construction and use of a campus of eight buildings for religious use on approximately 45 acres of previously developed land on a 253-acre site, situated on tax parcels S 85 B 1 L 4.1, 4.2, 5.1 & 5.2; parcels located on the southwest side of Long Meadow Road 6,000 feet north of Sterling Mine Road (CR 72), in the LC zone, of the Town of Warwick, County of Orange, State of New York. Planning Board adopted a Positive Declaration, adopted on 10/7/09. Final Scoping Document was adopted on 12/16/09. The Planning Board to discuss DEIS Completeness.

Representing the applicant: Bob Krahulik, Attorney. Bob Pollock, Project Manager.

The following Watchtower Site Plan DEIS Review Comments submitted by HDR, dated 5/4/11:

Chapter 1 Executive Summary:

No.	Date	Comment	Status
1	05/04/11	Each plan sheet requires the stamp and signature of a New York State Licensed Professional Engineer.	Incomplete. Completeness.
2	05/04/11	Section G, Page 1-10 (Potential Impacts) – 1 st bulleted item should be removed; the anticipated impacts are a conclusion of the DEIS.	Incomplete. Completeness.
3	05/04/11	Section G, Page 1-10 (Potential Impacts) – 2 nd bulleted item should be revised to say “Stormwater runoff volume from new impervious areas will create an increase in runoff volume from pre-developed conditions without taking the proposed mitigation measures into consideration.”	Incomplete. Completeness.
4	05/04/11	Section G (Potential Impacts) – Add bulleted item describing the potential draw on groundwater resources of the Highlands Aquifer System.	Incomplete. Completeness.
5	05/04/11	Section G (Potential Impacts) – Add bulleted item describing how the application of pesticides, fertilizers and road salt will have an adverse effect on the quality of groundwater resources.	Incomplete. Completeness.
6	05/04/11	Section G, Page 1-11 (Mitigation Measures) – Add a bulleted item describing how disturbed areas will be stabilized promptly after construction.	Incomplete. Completeness.

Chapter 2 Project Description:

No.	Date	Comment	Status
1	05/04/11	Chapter 2 – Figure 2-2. Modify label of wastewater plant to read “United Water Blue Lake Wastewater Treatment Plant” instead of “Wastewater United”.	Incomplete. Completeness.

Chapter 3 Geology, Soils, and Topography:

No.	Date	Comment	Status
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No.	Date	Comment	Status
1	05/04/11	The discussion about surficial geology should be expanded.	Incomplete. Completeness.
2	05/04/11	The presence of radon was discussed but last assessment was 1991; the Applicant may want to consider additional current testing.	Incomplete. Completeness.
3	05/04/11	A discussion of any limitations posed by the potential presence of radon should be included in the report.	Incomplete. Completeness.
4	05/04/11	A discussion about how the surface bedrock can be integrated into the site; how it can be used as an asset and not necessarily an obstacle to the development.	Incomplete. Completeness.
5	05/04/11	The Scoping Document states that a cut and fill analysis would be provided, but this information was not included in the DEIS.	Incomplete. Completeness.

Chapter 4 Water Resources:

No.	Date	Comment	Status
1	05/04/11	Section B Page 4-1(Existing Conditions) – Provide information on when all of the underground storage tanks were removed, if possible.	Incomplete. Completeness.
2	05/04/11	Section B Page 4-1(Potential Impacts) - The Applicant should describe the potential draw on groundwater resources of the Highlands Aquifer System.	Incomplete. Completeness.
3	05/04/11	Section B Page 4-1(Potential Impacts) - The paragraph describing the “integrated approach” to pest management and removal should be moved to the Mitigation Measures portion of this section. Additionally, the Applicant should provide a more in-depth discussion of what the “integrated approach” entails.	Incomplete. Completeness.
4	05/04/11	Section B Page 4-2(Mitigation Measures) - 1 st paragraph, should quantify the anticipated amount of disturbance to the site.	Incomplete. Completeness.
5	05/04/11	Section B Page 4-2(Mitigation Measures) - 1 st paragraph, last sentence indicates that “any salt storage needed will be covered”. Does this mean that salt could be used? If so, describe limitations on the time, amount, and method of salt application, as per the Scoping Document.	Incomplete. Completeness.
6	05/04/11	Section C Page 4-13(Potential Impacts) - Changes in Drainage Patterns – 1 st paragraph, the parenthetical in regard to referencing Figures 4-4 and 4-5 does not have a close parenthesis.	Incomplete. Completeness.
7	05/04/11	Section C Page 4-18 (Safe Drawdown of Blue Lake) – The 1 st bulleted item makes reference to the “design high water and normal pool elevation”. If possible, indicate the elevation of each.	Incomplete. Completeness.

No.	Date	Comment	Status
8	05/04/11	Section C Page 4-19 (Mitigation Measures) – This section should describe all of the proposed stormwater management practices to be used on the site, as each practice will play a role in the mitigation. Only green practices have been described. This section should also include a description of the underground stormwater infiltration/detention chambers, sand filters, porous asphalt, Water Quality unit and the detention basin.	Incomplete. Completeness.
9	05/04/11	Section C Page 4-19 (Mitigation Measures) – This section should discuss the mitigation measures to ensure limitation of access and control of insects for the proposed detention basin located adjacent to Long Meadow Road.	Incomplete. Completeness.
10	05/04/11	Section C Page 4-19 (Mitigation Measures) – This section should indicate where further discussion of the Low Impact Development Strategies can be found (Appendix M – SWPPP).	Incomplete. Completeness.
11	05/04/11	Section C Page 4-19 (Mitigation Measures) – As per the Scoping Document, this section should contain a “discussion of the strategies and practices that were rejected by the Applicant and the rationale for that rejection”.	Incomplete. Completeness.

Chapter 5 Air Resources:

No.	Date	Comment	Status
1	05/04/11	Chapter 5, page 5-1, Table 5-1 (Air Resources) – This table is missing the AAQS for PM ₁₀ 24-hour and NO _x 1-hour.	Incomplete. Completeness.
2	05/04/11	Chapter 5, page 5-2 (Air Resources) – The year(s) for which the background air quality data is listed should be provided.	Incomplete. Completeness.
3	05/04/11	Chapter 5, page 5-2 (Air Resources) – The background air quality listed for CO and PM _{2.5} is different than that provided in the B. Laing Associates Mobile Source Air Pollution Modeling Report, pg. 4, provided in the Appendices to the DEIS. The Applicant should clarify which one was used.	Incomplete. Completeness.
4	05/04/11	Chapter 5, page 5-2 (Air Resources) – The change in traffic volume at the intersection should be provided for the different scenarios modeled.	Incomplete. Completeness.
5	05/04/11	Chapter 5, page 5-2 (Air Resources) – It is unclear if air quality conditions were actually monitored. The document states “These pollutants were measured at 39 receptor sites.....” The Applicant should clarify if “measured” is the correct word or if “predicted” may be a better word choice.	Incomplete. Completeness.
6	05/04/11	Chapter 5, page 5-2 (Air Resources) – A discussion should be added regarding why an analysis was performed only for CO and PM _{2.5} .	Incomplete. Completeness.

No.	Date	Comment	Status
7	05/04/11	Chapter 5, page 5-6 & 5-7, Tables 5-2 and 5-3 (Air Resources) – It should be clarified that these are the results for the AM Peak traffic conditions and the “worst case” meteorological conditions, as is stated in the appendices.	Incomplete. Completeness.
8	05/04/11	Chapter 5, page 5-6 & 5-7, Tables 5-2 and 5-3 (Air Resources) – A discussion should be added to explain what factors in the Future Build scenario causes a no increase, or even a decrease, when compared to the Future No Build scenario.	Incomplete. Completeness.
9	05/04/11	B. Laing Associates Mobile Source Air Pollution Modeling Report, pg. 7 – NYSDOT data from Region 3 should be used instead of data from Region 8.	Incomplete. Completeness.
10	05/04/11	B. Laing Associates Mobile Source Air Pollution Modeling Report, pg. 10 - A discussion should be added to explain what factors in the Future Build scenario causes a no increase, or even a decrease, when compared to the Future No Build scenario.	Incomplete. Completeness.
11	05/04/11	B. Laing Associates Mobile Source Air Pollution Modeling Report, pg. 9 - Per Section 4.7 of EPA Publication EPA-454/R-92-005, GUIDELINE FOR MODELING CARBON MONOXIDE FROM ROADWAY INTERSECTIONS, meteorological conditions of a 1 meter per second wind and stability class D is worst-case IF the land use within 3 km of the site is characterized as “urban.” If the land use is characterized as “rural” then the atmospheric stability should be assigned to category “E” to be worst-case in accordance with EPA guidance.	Incomplete. Completeness.

Chapter 6 Terrestrial and Aquatic Ecology:

No.	Date	Comment	Status
1	05/04/11	The environmental sections of the DEIS rely on data collected for prior proposed projects on the site as well as more recent project-specific studies. What is lacking is a comprehensive overview of all the studies and comprehensive tables that cite either the source and/or the year of study when observations were made.	Incomplete. Completeness.
2	05/04/11	The EIS cites the requested correspondence with NJDEP and the NYSDEC Natural Heritage Program with regard to endangered and threatened species as required in the Scoping Document. Correspondence (file search results letter) with NYSDEC NHP is not included in Appendix E-5 and should be included.	Incomplete. Completeness.

No.	Date	Comment	Status
3	05/04/11	As cited in the Scoping Document, tables presenting the species observed on site are included (see above general comment), along with a table (Table 5) summarizing the dates and hours of specific biological studies. Detailed methodologies and species-specific survey techniques are also presented.	Incomplete. Completeness.
4	05/04/11	The Scoping Document (Mitigation Measures; Page 12, Section F.2.h) cites the need for a statement on measures to control mosquitoes/West Nile virus in the stormwater basins. No statement was found in the DEIS or the SWPPP (Appendix M) and needs to be included.	Incomplete. Completeness.
5	05/04/11	We understand that confidential reports (2009 and 2010) regarding timber rattlesnakes have been completed and filed with NYSDEC Region 3. A determination of the adequacy of these studies, need for any further studies, and any recommendations in addition to those proposed by the Applicant, needs to be obtained from NYSDEC as part of the Determination of Completeness.	Incomplete. Completeness.
6	05/04/11	Has there been any feedback from USACE since their 9/21/10 response on the Jurisdictional Determination application? The Applicant should verify with USACE if any supplemental information is needed to conform to the current delineation protocol as described in the October 2009 document "Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region." It was also noted that the wetland delineation took place outside the regional growing season for vegetation and thus the herbaceous species may be under-represented.	Incomplete. Technical.
7	05/04/11	USACE must verify, through their Jurisdictional Determination process, that the two cited ephemeral streams are in fact ephemeral and not subject to their jurisdiction.	Incomplete. Technical.
8	05/04/11	There is no definitive statement in the DEIS on whether or not the project as proposed is expected to require wetland/watercourse permits from USACE. USACE is not included in Table 1-2 (Required Approvals) in the Executive Summary. There is a statement (Page 7-2 of the October 2007 PS&S report) that the "project will impact less than one acre of USACE-regulated wetlands".	Incomplete. Technical.
9	05/04/11	The 11/30/09 NYSDEC letter in Appendix A-4 cites the need for an Article 15 (Protection of Waters) permit based on the project's proximity to Sterling Forest Lake. Article 15 does not appear in Table 1-2 in the Executive Summary. If the Applicant does not believe an Article 15 Permit is needed it should be stated in the Summary.	Incomplete. Technical.

No.	Date	Comment	Status
10	05/04/11	There is no comprehensive plant list for the site. Blooming purple loosestrife is apparent in Photograph 6 (Appendix E-3) in the Indiana bat report yet the species does not appear on the plant list. Additionally, there are several plant species (red maple, jewel weed, broadleaf cattail, nut sedge, skunk cabbage, and purple loosestrife) that are cited in the text of the Jurisdictional Determination Report that are not cited in Table 6-1 in the DEIS.	Incomplete. Technical.
11	05/04/11	There are several references in the text to improvements that will be made to the Blue Lake Dam, though the need for an NYSDEC Dam Safety Permit is not included in Table 1-2. Applicant should verify if the proposed actions will trigger the need for a Dam Safety Permit.	Incomplete. Technical.
12	05/04/11	The Wetlands Map (Sheet WT-1) in Appendix C-2 cites a wetland acreage of 1.051 acres; the DEIS text on Page 7-1 and the updated Ecological Resources Report cite an acreage of 2.9 acres.	Incomplete. Technical.
13	05/04/11	The Wetlands Report in Appendix C-2 cites that the wetlands field work was conducted between March 24 and July 30, 2010. The delineation data sheets all cite a date of 24 March and the Photograph Log cites a date of 25 March 2010 (Appendix A-5). What wetlands work was conducted during the balance of the spring and early summer of 2010?	Incomplete. Technical.
14	05/04/11	We disagree with the statement on Page 4-7 that “the red-shouldered hawks are relatively tolerant of human disturbance.” According to the species dossier on NYSDEC’s website (dec.ny.gov/animals/7082) “Disturbances from humans in the form of off-road vehicles, hunters, horseback riders, and suburbanites in general have pushed red-shouldered hawks in the deepest, wildest areas left. Although some members of the species seem to be unaffected by humans most are secretive and avoid inhabited areas.”	Incomplete. Technical.
15	05/04/11	The text on the first page of the Wildlife section of Appendix E-3 states “Wildlife species expected to be found and observed on the Site are listed in Tables 2 through 4”. Tables 2 and 4 cite observed species; were there additional species expected (such as muskrat, gray fox, ad flying squirrel) but not observed? Clarification is needed on why these regionally common species were not expected to occur on the site.	Incomplete. Technical.

No.	Date	Comment	Status
16	05/04/11	The scientific names need to be checked in the text and tables. As examples, the scientific name for the red-tailed hawk appears on Pages 1-14 and 6-16 where the scientific name for the red-shouldered hawk is intended. The scientific names for the rainbow trout and yellow perch are also incorrect.	Incomplete. Technical.
17	05/04/11	Eastern red bats are cited as being captured (Site WT-01) in the 2010 bat survey, but the species does not appear in Table 4 in Appendix E-3. Additionally, the text on Page 6-15 cites the bat survey was done in 2009 while the bat survey report cites 2010. No bat species are listed in Table 6-2 in the DEIS.	Incomplete. Technical.
18	05/04/11	We assume that the NYSDEC Breeding Bird Atlas was the source for the bird list in Table 3; though there should be a footnote to the table and/or citation in the References (8.0) for the source and Breeding Bird Atlas database (1980 – 85 or 2000 -05) used.	Incomplete. Technical.
19	05/04/11	A detailed tree survey and mapping effort has been conducted for the site and is presented in Appendix E-4. The 8 March 2011 response letter (from PS&S to Watchtower Bible and Tract Society of New York, Inc.) cites that 16 – 17 acres of forested habitat will be cleared for the proposed project. Have the number and species of significant trees proposed for removal and to be retained been quantified? USF&WS typically requires this information to assess potential impacts to Indiana bats, as summarized in their September 2010 “Indiana Bat Project Review Fact Sheet”.	Incomplete. Technical.

Chapter 7 Traffic and Transportation:

No.	Date	Comment	Status
1	05/04/11	Section A, Page 7-1 (Introduction)— <ul style="list-style-type: none"> The phrase “using computer modeling” is too general. This should state “using the methodologies of the Highway Capacity Manual 2000 (HCM 2000). The sentence “Measured and calculated traffic estimates were compared against standards set forth by...” is unclear. The text should indicate what is being measured and calculated. 	Incomplete. Completeness.
2	05/04/11	Section B, Page 7-1 (Existing Conditions)— <ul style="list-style-type: none"> There are seven (7) intersections listed in this section and only six (6) are listed on Page 6 of the Traffic Impact Study (TIS) by John Collins Engineers, P.C. Under “Roadway Characteristics”—each roadway should be classified as minor arterial, local street, etc. 	Incomplete. Completeness.

No.	Date	Comment	Status
3	05/04/11	<p>Section B, Page 7-5 (Traffic Counts and Turning Movements)—</p> <ul style="list-style-type: none"> • General Notes: The No-Build and Build Traffic volume development methodology should be included. • Paragraph 1 <ul style="list-style-type: none"> ○ First sentence should include the time periods the counts were conducted. ○ How was the 2 percent per year growth rate determined? Please cite the source. ○ Include and describe “other area developments”. • Paragraph 2 <ul style="list-style-type: none"> ○ What is the name of the existing facility located in Patterson, NY and provide information regarding the number of dwelling units, office space, etc. ○ What is the “maximum population” of the proposed facility? 	Incomplete. Completeness.
4	05/04/11	<p>Section B, Page 7-5 (Level of Service)—</p> <ul style="list-style-type: none"> • Table 7-2 should include the overall delay for each intersection for all time periods analyzed. • Please state why there were two different analyses performed for the proposed site. • Paragraph 2, Sentence 4— <ul style="list-style-type: none"> ○ Define “internal to the site”. ○ Include the basis of the assumption “40 percent of the office related trips and 60 percent of townhome related trips”. This ratio is inconsistent with TIS Table 1-A. 	Incomplete. Completeness.

No.	Date	Comment	Status
5	05/04/11	Section B, Page 7-7 (Accident Data)— <ul style="list-style-type: none"> • How many of the accidents occurred along each roadway? • How many accidents occurred within a 12-month period? • Are any of the roadways considered as a high accident location? • What is the accident rate as compared to other similar roadway facilities? • If accident rates are above the NYS average, then what appropriate improvements in the roadway should be included, and how much of anticipated reduction will the proposed improvements would make. • Table A in Appendix F-1 does not provide a summary of the accident data. A summary should be included. • Paragraph 2—Minimal change in LOS between No-Build and Build may or may not affect the number of accidents. Additional explanation should be provided to justify the following statement, “It is not believed that the Project Sponsor’s project will affect the number of accidents in the area since, as shown in Table 7-2 and Table 7-3, there is minimal impact to the LOS at nearby intersections.” 	Incomplete. Technical.
6	05/04/11	Section B, Page 7-7 (Sight Distance Evaluation)— <ul style="list-style-type: none"> • Include assumptions and resources utilized to calculate the sight distance requirement thresholds. • Clarify if sight distance calculated is Stopping Sight Distance and cite the Exhibit number from the source (i.e. AASHTO Geometric Design of Highway and Streets Manual, Exhibit 3-1) 	Incomplete. Completeness.
7	05/04/11	Section B, Page 7-7 (Public Transportation)— <ul style="list-style-type: none"> • Include the headways or frequency of buses, trains, etc. during the peak periods • Describe the routes utilized. • Describe existing and proposed demand in relevance to the site (choice of mode of transportation: passengers/pedestrians, vehicles). 	Incomplete. Completeness.

No.	Date	Comment	Status
8	05/04/11	Section C, Page 7-7 and 7-8— <ul style="list-style-type: none"> • Indicate which Build Scenario is being described in this section (ITE or Patterson, NY) • Paragraph 1—”. This section is “Potential Impacts”; clarify if the paragraph is describing existing or future traffic volumes. • Page 7-8—Three (3) intersections expected to experience a change in LOS. The text indicates four (4) intersections, clarify and revise text. • Page 7-8, 2nd bullet—Define weekend peak hours (Saturday and/or Sunday). Clarify and revise text. • Page 7-8, delete 4th bullet indicates that there’s no change in LOS between No Build and Build. The tables indicate no change in LOS. Clarify and revise text. • Page 7-8, Paragraph 2, under last bullet—Indicate the proportion of the trips generated by the site internally. Also, include if these trips are included in the site generated traffic projections. 	Incomplete. Completeness.
9	05/04/11	Section D, Page 7-8 (Mitigation Measures)— <ul style="list-style-type: none"> • Provide information regarding the amount of construction truck traffic that would be routed along the specified roadways. • Provide information regarding construction truck traffic distribution produced by the site during construction period. 	Incomplete. Technical.
10	05/04/11	Section E, Page 7-8 (Alternative Comparison)— <ul style="list-style-type: none"> • Paragraph 1, last sentence—“Air quality impacts” should this statement read “Traffic Impacts”? Clarify and revise text. • Statements were made in relation to the four alternatives compared to the proposed alternative, but no clear statement as to why the proposed alternative was chosen as the preferred alternative. Clarify and revise text. 	Incomplete. Completeness.

Appendix F-1: Traffic Impact Study (TIS) by John Collins Engineers, P.C.

No.	Date	Comment	Status
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No.	Date	Comment	Status
1	05/04/11	<p>Section 1, Subsection A (Project Description and Location)—</p> <ul style="list-style-type: none"> • Paragraph 1— <ul style="list-style-type: none"> ○ Typo, 12 building to 12 buildings (plural form), revise text. ○ In the DEIS, Executive Summary, Page 1-3, Proposed Action states that there were eight (8) buildings are proposed. This is inconsistent with the 12 buildings mentioned in the TIS. Clarify and revise text. ○ The number of proposed buildings and square footage area in TIS do not match the proposed buildings and square footage area contained in the DEIS Exec. Summary, Page 1-3. Clarify and revise text. 	Incomplete. Technical.
2	05/04/11	<p>Section II, Subsection A (Description of Existing Roadway Network)—</p> <ul style="list-style-type: none"> • General Note: Include the field notes/pictures/back up information as to where the descriptions of the roadway were derived. 	Incomplete. Technical.
3	05/04/11	<p>Section II, Subsection B (Year 2010 Existing Traffic Volumes)—Clarify and revise text.</p> <ul style="list-style-type: none"> • Paragraph 1, Page 6 <ul style="list-style-type: none"> ○ Sentence 1—DEIS section stated that data was collected and analyzed during the Saturday peak, but not listed in this section. ○ Sentence 2—describe the location of ATR along Long Meadow Road and Sterling Mine Road. ○ Sentence 3—If ATR counts were conducted during April and May 2010, include May 2010 in Section B, Page 7-5 of Chapter 7 of DEIS. ○ Six of the seven intersections analyzed are listed in this section. Include the missing intersection of Sterling Mine Rd (CR-72) & Sister Servants Ln/Eagle Valley Road mentioned in DEIS. ○ If the Saturday peak hour was determined to be between 12:30 pm and 1:30 pm and the counts were conducted between 9:00 am and 12:00, explain how the Saturday peak hour counts were determined. Clarify and revise text. • Page 7 <ul style="list-style-type: none"> ○ Paragraph 2—Saturday Peak Hour should be included in this paragraph. 	Incomplete. Technical.

No.	Date	Comment	Status
4	05/04/11	Section II, Subsection C (Accident Data)— <ul style="list-style-type: none"> • General Note—Additional information is described in the DEIS that's not presented in this section. Please clarify and revise text. • Sentence 2—indicates the accident data collected along three (3) roadways. Provide information regarding the segment(s) of each roadway, where the accident data was obtained. • Sentence 3—states “Table A which summarizes the accidents”. Table A indicates the details of each accident, include a summary of the accidents (i.e. total each year, total of type of accident, etc.) 	Incomplete. Technical.
5	05/04/11	Section II, Subsection D (Public Transportation)— <ul style="list-style-type: none"> • General Note— <ul style="list-style-type: none"> ○ Include the frequency of the trains and buses during peak periods. ○ Include the anticipated number or passengers/person trips generated by the project site that would utilize these public transportation modes during which peak hours. 	Incomplete. Technical.
6	05/04/11	Section III, Subsection A (Year 2010 No-Build Traffic Volumes)— <ul style="list-style-type: none"> • Paragraph 1, Page 9—the text indicate a 2% growth rate annually, based upon a review of the background volumes, the rate may be lower. Clarify and revise the text. Also, if the background volume is confirmed to be lower, explain any impacts on the analysis. • Paragraph 1, Page 9—Describe in further detail the “other” developments in the area. 	Incomplete. Technical.
7	05/04/11	Section III, Subsection B (Site Generated Traffic Volumes)— <ul style="list-style-type: none"> • Trip generation was based on an existing facility at Patterson, NY, but how were the rates developed (shown in Table 1, HTGR*). Include additional information regarding size of facility, number of buildings, area of office space, number of dwellings, etc. • If the ITE Trip Generation was not utilized, state the reason why they were analyzed. • What is the percentage of trips internal to the site? • How was the data collected at the existing Watchtower Farms facility referenced/used? 	Incomplete. Technical.

No.	Date	Comment	Status
8	05/04/11	Section III, Subsection C (Arrival and Departure Distributions)— <ul style="list-style-type: none"> • Describe how the expected travel patterns for this facility were calculated/derived. • Describe why the majority of the trips originate from the south. 	Incomplete. Technical.
9	05/04/11	Section III, Subsection D (Year 2015 Build Traffic Volumes)—See comments from Subsection B & C.	Incomplete. Technical.
10	05/04/11	Section III, Subsection E (Description of Analysis Procedures)— <ul style="list-style-type: none"> • General Note—State the name of software and version that was utilized to perform the capacity analysis. 	Incomplete. Technical.
11	05/04/11	Section III, Subsection F (Traffic Impact Analysis Results)— <ul style="list-style-type: none"> • Page 13, Paragraph 2—AM Peak hour operates at LOS C and the expected LOS for PM, Sat and Sun is LOS B and A, which is not “similar” to AM Peak. • Page 17, Paragraph 1, Sentence 2—Only PM Peak has overall LOS B and AM, Sat, and Sun operates at LOS A. • Page 17, Paragraph 2—misspelled acronym, ASSHTO should be changed to AASHTO. Furthermore, the acronym should be defined including the version and title of publication. Include the analysis/calculation to determine the sight distances. • Page 18— <ul style="list-style-type: none"> ○ Describe the planned development Radha Soami Society/Sister Servants development. ○ Confirm that this intersection was analyzed with a separate left turn lane on County Road 72 and include the direction of the approach. ○ Paragraph 2—there was an overall deterioration of LOS between No-Build and Build. State the deterioration and describe in the text. 	Incomplete. Technical.
12	05/04/11	Section III, Subsection G (Results and Recommendations)— <ul style="list-style-type: none"> • General Note—Describe the supporting statements why the recommendations are necessary. (i.e. were there any preliminary studies indicating this such as a Signal Warrant, providing a jitney due to a growth in ridership by XX% from existing). 	Incomplete. Technical.

No.	Date	Comment	Status
13	05/04/11	Section III, Subsection H (Sensitivity Analysis)— <ul style="list-style-type: none"> • General Note—Describe why a sensitivity analysis was conducted. • If it was necessary, describe the results of the analysis. • Table 1-A—Entry Volume Column (Residential Dwellings)—describe why the peak hour of Adj Street was used rather than the Peak Hour generator. • Table 1-A—External Trips were calculated to have 60% office space and 40% residential drawings. This is inconsistent with Note 2 and what was mentioned in the TIS and DEIS. Clarify and revise text and analysis. 	Incomplete. Technical.
14	05/04/11	OVERALL GENERAL COMMENTS: <ul style="list-style-type: none"> • Construction Phasing or Activity was not described (i.e. the year or date when the construction would begin, the period of construction, how many truck trips would be generated due to construction, what routes they would take, etc.) • Appendix C should include field notes and/or plans containing field geometry, signal timing, manual counts. • Pedestrian and Bicycle activities should be included in the report. • Describe any parking displacement or existing parking conditions. • Describe any anticipated special events throughout the year and frequency of events of the site. If there are events, describe the change in overall traffic pattern and operations at the intersections. 	Incomplete. Completeness.
15	05/04/11	Indicate the current land use of the facility. If the Watch Tower decides to sell the property, the trip generated may increase significantly under the tenant. As such a sensitivity analysis should be performed to better understand the full impacts of the proposed square footage of the building(s) and residential dwelling units. Furthermore, the sensitivity analysis should include a scenario without an internal trip generation credit or at a minimum utilize the trip generation credit based upon the ITE Trip Generation Manual.	Incomplete. Technical.

Chapter 9 Infrastructure and Utilities – Wastewater Management:

No.	Date	Comment	Status
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No.	Date	Comment	Status
1	05/04/11	Section B, Page 9-1 (Existing Conditions) -Include statement to indicate that the King's College property (now called Watchtower property) corresponds to the location of the Proposed Action and that the 130,000 gpd treatment capacity previously allocated for King's College will be available for the Proposed Action.	Incomplete. Completeness.
2	05/04/11	Section B, Page 9-1 (Existing Conditions) –Indicate the size and capacity of any existing pipes that will be receiving flows from the Proposed Action including pipe connection at plant. If no existing sewer lines or force mains are anticipated to be used to convey the wastewater from the Proposed Action, include a statement indicating that. (Section D indicates there is a connection tee at plant; provide size and capacity in terms of flow).	Incomplete. Completeness.
3	05/04/11	Section B, Page 9-1 (Existing Conditions) –As per the Scope of Work, add a description of the force mains, sewers and pump stations needed under this section. (Currently included under Potential Impacts).	Incomplete. Completeness.
4	05/04/11	Section B, Page 9-1 (Existing Conditions) –Reference list of relevant projects (if provided by the Town of Warwick Engineer) and indicate flows to be treated by the Blue Lake STP. If list not available or no other flows to be treated at the plant, explicitly indicate so.	Incomplete. Completeness.
5	05/04/11	Section B, Page 9-1 (Existing Conditions) –Include historical data or calculations to demonstrate that the assigned wastewater flow of 80 gallons per capita per day (gpcd) is acceptable. If no backup available, use of 100 gpcd is required a recommended in the Ten State Standards for Wastewater Facilities. In addition, provide information on peaking factor or peak flows and determine capacity of Blue Lake STP to receive the peak flows.	Incomplete. Completeness.
6	05/04/11	Section C, Page 9-1 (Potential Impacts) At bottom of paragraph, on sentence starting with “A plan of gravity sewer...”add the words “the proposed” between “of” and “gravity”. This sentence corresponds to Section B per comment 4 above.	Incomplete. Completeness.
7	05/04/11	Section C, Page 9-1 (Potential Impacts) –Per Scope of Work indicate severity of Impacts and likelihood of occurrence (i.e. indicate if construction of utilities & pump station will impact traffic, community, environment, etc during construction and operation and discuss type of impact –noise, odors, etc-, severity of impact, and likelihood. This Section was used to describe proposed utilities, which should be described in subsection B per Scope of Work, rather than to describe impacts of Proposed Action.	Incomplete. Completeness.
8	05/04/11	Chapter 9 – Pages 9-2 & 9-4 are blank and not numbered. Please remove if not needed.	Incomplete. Completeness.

No.	Date	Comment	Status
9	05/04/11	Section C, Page 9-5 (Mitigation Measures) –Per Scope of Work indicate if mitigation to any environmental impacts, identified in the Potential Impacts subsection, are required. If none identified state so.	Incomplete. Completeness.
10	05/04/11	Section B, Page 9-3, Figure 9-1 (Existing Conditions) – Replace the label reading “United Water” with “United Water Blue Lake Wastewater Treatment Plant”.	Incomplete. Completeness.
11	05/04/11	Chapter 9 – Pages 9-2 & 9-4 are blank. Please remove if not needed.	Incomplete. Technical.
12	05/04/11	Chapter 9, Figure 9-1. Revise proposed force main size to meet minimum velocity of 2 feet per second (fps) without exceeding minimum force main size of 4” as recommended by the Ten State Standards for Wastewater Facilities.	Incomplete. Technical.

Chapter 10 Infrastructure and Utilities – Water Supply:

No.	Date	Comment	Status
1	05/04/11	Section B, Page 10-1 (Existing Conditions) –Remove the first word of Line 9 of paragraph 1 (“and”) and replace with “into”	Incomplete. Completeness.
2	05/04/11	Section B, Page 10-3, Figure 10-1 (Existing Conditions) – Replace the label reading “United Water” with “United Water Blue Lake Wastewater Treatment Plant”.	Incomplete. Completeness.
3	05/04/11	Section B, Page 10-1, (Existing Conditions) –Include description of the proposed water conveyance and distribution infrastructure under this section, as directed in Scope of Work. (Currently included under the Potential Impacts section)	Incomplete. Completeness.
4	05/04/11	Section B, Page 10-1 (Existing Conditions) –Reference list of relevant projects that was to be provided by the Town of Warwick Engineer and indicate flow demands from other sites (other than INCO, if any). If not available or no other flow demands not accounted for in plant capacity to be met by it, explicitly indicate so.	Incomplete. Completeness.
5	05/04/11	Section B, Page 9-1 (Existing Conditions) –Include historical data or calculations to demonstrate that the assigned water demand flow of 85 gallons per capita per day (gpcd) is acceptable. If no backup available, use of water demand applicable to type of facility as per applicable local, state, or federal codes. Determine if water treatment plant has capacity for the newly calculated flows.	Incomplete. Completeness.
6	05/04/11	Section C (Potential Impacts) –Describe any impacts that will result from the construction and operation of the proposed water treatment, conveyance, and/or distribution infrastructure. Indicate severity and likelihood.	Incomplete. Completeness.

No.	Date	Comment	Status
7	05/04/11	Section C (Potential Impacts) –Describe any impacts that will result from the construction and operation of the proposed water treatment, conveyance, and/or distribution infrastructure. Indicate severity and likelihood.	Incomplete. Completeness.
8	05/04/11	Section D, (Mitigation Measures) –Per Scope of Work indicate if mitigation to any environmental impacts identified in the Potential Impacts subsection are required. If none identified state so.	Incomplete. Completeness.

Chapter 13 Visual Character:

No.	Date	Comment	Status
1	05/04/11	Architectural information should be included for all buildings, including the parking structures. Include color and material call outs or provide color renderings of the buildings.	Incomplete. Completeness.
2	05/04/11	Architectural colors and materials should be represented in the photo simulations.	Incomplete. Completeness.
3	05/04/11	Verify that the lighting shown for the sport courts is adequate for the use. Additional lighting, if necessary, may impact nighttime views. Discuss as needed.	Incomplete. Completeness.
4	05/04/11	Lighting levels (footcandle) should be provided to determine if levels are adequate and not excessive for the purpose. Note minimum and maximum levels to be achieved at various uses (i.e. sports, roadway, parking, sidewalks)	Incomplete. Completeness.
5	05/04/11	Provide viewshed maps and/or cross sections for all alternatives. Maps for King’s College and low-height alternative should represent areas of additional disturbance at respective building heights.	Incomplete. Completeness.
6	05/04/11	Alternatives section should include discussion of any landscaping and lighting of each alternative.	Incomplete. Completeness.

Appendix M: Technical Review of the Preliminary Stormwater Pollution Prevention Plan (issue date March 15, 2011)

No.	Date	Comment	Status
1	05/04/11	SWPPP document needs the stamp and signature of a New York State Licensed Professional Engineer.	Incomplete. Technical.
2	05/04/11	Each plan sheet requires the stamp and signature of a New York State Licensed Professional Engineer.	Incomplete. Technical.
3	05/04/11	Appendix A – Provide a copy of a filled out and signed Notice of Intent (NOI) Form. The NOI should also have the signature of the NOI preparer (NYS Licensed Professional Engineer).	Incomplete. Technical.
4	05/04/11	The Applicant should provide an MS4 Acceptance Form with the appropriate information filled-in.	Incomplete. Technical.

No.	Date	Comment	Status
5	05/04/11	Page 2-8 of the SWPPP (Sequence of Construction) – The SWPPP states that “total disturbance will be kept at a 10-acre maximum at any given time, based on NYSDEC regulations”. Part II.C.3 of the SPDES General Permit for Stormwater Discharges (GP-0-10-001) states “The <i>owner or operator</i> of a <i>construction activity</i> shall not disturb greater than five (5) acres of soil at any one time without prior written authorization from the Department.” This will impact the Applicant’s current proposed phasing for the site.	Incomplete. Technical.
6	05/04/11	The Applicant should provide full-size plans for the pre and post development drainage areas. The full-size plans should contain the following information: a. Drainage area name and size b. Time of concentration paths broken up by flow type. c. All reaches and ponds in the HydroCAD analysis should contain the same naming on the Drainage Area maps, for ease of reviewing the HydroCAD analysis.	Incomplete. Technical.
7	05/04/11	The Grading and Drainage Plans included with the SWPPP should include the following: a. Legend b. Each of the drainage structures should be named, and contain information for the rim elevation, and inverts. This information could also be provided in table format. c. Pipe materials and sizes should be clearly indicated. d. Locations of all proposed stormwater management practices (including green infrastructure practices)	Incomplete. Technical.

No.	Date	Comment	Status
8	05/04/11	<p>The Applicant should include Detail Sheets in the SWPPP which include the following:</p> <ul style="list-style-type: none"> a. Catch Basin Detail b. Pipe trenching detail c. Representative cross-section and profile drawings of ALL proposed stormwater management practices and conveyances (e.g., Green Roof, Riparian Buffers, Porous Asphalt, Permeable Pavers, Stormwater Planters, Sand Filters, Bioretention Areas, Water Quality Units, Detention Basin, Infiltration Chambers, etc.). The details should be specific to the application, and include inverts, and water surface elevations for design storms (if applicable). d. Specific maintenance requirements for each of the proposed stormwater management practices should be provided. e. Details for all proposed erosion controls (e.g. silt fence, stabilized construction entrance, diversion swale, soil stockpile, sediment trap, etc.) 	Incomplete. Technical.
9	05/04/11	The Applicant should provide profile drawings for the drainage system.	Incomplete. Technical.
10	05/04/11	Provide a copy of the logs for the soil borings and infiltration tests conducted on site in the SWPPP.	Incomplete. Technical.
11	05/04/11	SWPPP Table 3-1 (pg. 3-19) – The table indicates only one Drainage Area to DP-3, which is DA-3. However, Figure 3-9 as well as Sheet C-007 of the plans show three sub-areas (DA-3A, DA-3B and DA-3C). This table should be updated to show how the WQv for these sub-areas have been met or exceeded.	Incomplete. Technical.
12	05/04/11	SWPPP Table 3-1 (pg. 3-19) – The table is unclear in indicating the <u>required</u> Runoff Reduction Volume for each area. This should be clearly provided in the table, and followed by the <u>provided</u> Runoff Reduction Volume.	Incomplete. Technical.
13	05/04/11	The Applicant should provide supporting calculations for <u>each individual</u> stormwater management practice to show how they meet the Water Quality Volume or Runoff Reduction Volume requirements. Right now, the SWPPP only shows how the required amounts are exceeded with a brief explanation of how the requirements were met. For example, there are several green roofs proposed. Calculations should be provided for each one to show how much Water Quality Volume or Runoff Reduction Volume it provides for the drainage area it is located in.	Incomplete. Technical.
14	05/04/11	The Applicant should provide supporting calculations to show how the Channel Protection Volume requirements have been met for the site.	Incomplete. Technical.

No.	Date	Comment	Status
15	05/04/11	Appendix D (Pre-Developed Conditions Analysis) – Reach 2R: Storm System is not modeled with any defining characteristics (pipe sizing, slope, inverts, etc.). However, page 3-24 of the SWPPP indicates a storm system containing pipe diameters of 15” and 24”. If the existing pipe system runs full for any of the design storms, the peak runoff to the design point could conceivably change. The Applicant should accurately model this reach in HydroCAD.	Incomplete. Technical.
16	05/04/11	Appendix E (Post-Developed Conditions Analysis) – The Applicant is using the following Curve Numbers (CN value) and should explain how each of these have been selected: a. CN of 48 for the green roof b. CN of 74 for the pervious pavers c. CN of 61 for bioretention sand soil medium d. CN of 61 for storm planter e. CN of 74 for porous asphalt	Incomplete. Technical.
17	05/04/11	The Applicant should specify in the landscaping plans the planting types that are to be used for each green roof.	Incomplete. Technical.
18	05/04/11	The Applicant is using Stormwater Planters in several locations. The Applicant should indicate how much impervious area is being directed toward the planters. Page 5-100 of the NYS Stormwater Design Manual (August 2010) indicates that stormwater planters should not receive drainage from impervious areas greater than 15,000 square feet. Additionally, the Applicant should provide a means of directing excess stormwater flow to a secondary treatment system or storm drain system.	Incomplete. Technical.
19	05/04/11	Page 5-101 of the NYS Stormwater Design Manual indicates that all stormwater planters should be located a minimum distance of 10 feet from structures. Several of the stormwater planters shown on Sheet C-007 show the planters to be immediately adjacent to structures and should thus be relocated.	Incomplete. Technical.

The following comment submitted by the Conservation Board, dated 5/4/11:

Watchtower Bible & Tract Study – The CB is reviewing the huge DEIS.

The following comment submitted by the ARB:

Watchtower Bible & Tract Study – None submitted.

Comment #1: Board to discuss SEQR.

Mr. McConnell: This SEQR comment has been prepared by Mr. Ted Fink, dated 5/4/11: *“I completed my review of the DEIS for completeness. I did find a few assorted typographical errors and other matters but nothing I would call significant enough to hold up public review of the document. It was one of, if not the, best DEIS's I have ever reviewed. Clear and they really covered every issue completely. I prepared a Notice of Completion of Draft EIS.*

Three decisions need to be made. The first, if the Board is ready to deem it complete, to adopt the Notice subject to setting a date for a public hearing and a date for the full comment period. I would suggest that the Board have a discussion with the applicant about how long it will take for them to produce the document for distribution. I talked with Connie about it and we both agreed it would be good if the applicant could send the document out and provide us with proof of mailing.

Keep in mind that you need two weeks to have the notice published in the papers and a notice has to be placed into the State's Environmental Notice Bulletin (I will take care of that). The second decision is the final day for accepting comments on the DEIS. I would suggest keeping the comment period open until sometime in July, perhaps 45 to 60 days for the complete public comment period. This is because of the length of the document and the time it takes to do a review of it. The third issue is whether to jointly schedule the public hearings on the site plan and special permit applications with the DEIS public hearing. We do usually do this and it makes for a more efficient process.”

Mr. Astorino: Ok. Let us start from the beginning with the Board. To deem the DEIS complete, I don't think we would have a problem with that as per Ted's comment. Laura, you have numerous comments on the DEIS. Do you have any opinion on the completeness?

Laura Barca: What I tried to do in my comments, which is why I had left it in table format that I gave to all the Planning Board members, if it says incomplete, it would have either completeness or technical written in the status column in the table of comments.

Mr. Astorino: Ok.

Laura Barca: If it is technical and they want to address it now, they could do that. If they want to do it as a technical, then that would also be fine. Some of the stuff could take longer.

Mr. Astorino: What is your estimation?

Laura Barca: All of the comments in here could be a condition.

Mr. Astorino: Ok.

Laura Barca: The only comments that I want to bring to the Board's attention, and I brought it up at the Work Session, is that the plan sheets need to be signed off by a P.E.. We have already talked about that. That would also go hand in hand with Ted's

comments that if the public hearing for the site plan and special use permit are going to be simultaneous, those plans would need to be signed and sealed before completeness.

Mr. Astorino: That would make sense. Does the Board agree to have the public hearing at the same time for DEIS, site plan, and special use permit approval?

Mr. McConnell: Yes.

Mr. Astorino: If the document is complete, we could do that. Bob, how long would it take for you to produce the document and get them mailed to all of the agencies?

Bob Krahulik: We could produce the document quickly. What we would suggest is scheduling a public hearing within (45) days from now and to close the public comment period approximately (60) days from now.

Mr. Astorino: Ok. We would be looking at the 2nd meeting in July. What date would that be?

Connie Sardo: I have the schedule of meeting dates. We would be looking at the 7/11/11 Work Session for the 7/20/11 Planning Board meeting.

Mr. Astorino: The public hearing would be on 7/20/11.

Mr. Bollenbach: It is May right now. It would be the 2nd meeting in June. That would be (45) days from now. Are we going to have a 2nd meeting in June?

Mr. Astorino: We will be having a 2nd meeting in June. We won't be having the 1st meeting in July.

Mr. Bollenbach: Ok.

Mr. Astorino: Would that be enough time?

Laura Barca: They would have to make the modifications.

Connie Sardo: Right. Then, the applicant would have to send them out to all of the agencies.

Laura Barca: The applicant would have to make the modifications. Then, HDR would have to review them to make sure they are ok. Then, they would have to make the document and send it out to everybody. Then, they would have to allow time for the review of the document.

Mr. Astorino: That is what I am saying.

Bob Krahulik: I don't know if we need to make the revisions to the document now. We understand that the revisions would have to be made eventually. I think the document is complete as it is to be accepted by the Board to begin the public review process. I don't think we need to make the corrections before you begin the public review process.

Laura Barca: I thought that wasn't planned having completeness comments versus technical comments.

Connie Sardo: Normally, we have the written public comment period where we get all of the written comments in from everybody. Then, we incorporate that into the next DEIS.

Bob Krahulik: Exactly.

Laura Barca: No. But, the next DEIS would be the FEIS. It is not a reproduction of the document. It only lists the questions and answers the questions. Some of these completeness comments require changes in the actual language of the document to make it more understandable for the public to actually review it.

Bob Pollock: I was looking at these as basically HDR's comments on the DEIS. What you are saying is that these are actually still comments about whether or not it is complete.

Laura Barca: Right. If it is marked as completeness. There are some comments marked as technical. Those are the ones that you don't have to do now.

Bob Krahulik: There is an alternative. You could either accepted as being complete now or you could determine that it is adequate for public review. That would at least allow the public to start participating.

Mr. Astorino: If I am not mistaken, as Ted had pointed out to us at the Work Session, we could deem the document as complete even with the comments that we have here as conditions. We could deem it complete this evening if you are willing to put those comments in before it goes out for public review. Is that correct?

Laura Barca: Yes.

Mr. Astorino: That was the way I understood Ted at the Work Session. The comments are pretty generic in nature. I understand it is to make the verbiage more easier for the public to understand. That was the way I understood it.

Laura Barca: Right.

Bob Krahulik: If that is the case, then we would like to have another month. We would ask that the public hearing be scheduled for the 2nd meeting in July.

Mr. Astorino: Ok. That would be for July 20, 2011.

Connie Sardo: Bob, before that date, could you keep in contact with me on when the DEIS would be distributed?

Bob Pollock: Yes.

Mr. Astorino: Ok. We will set the public hearing for the July 20, 2011 Planning Board meeting.

Mr. Singer: Ben, Mr. Krahulik suggested that we only give the public (15) days after that for written comments. This is a very big project. Maybe, we would need a little more time for that.

Mr. Astorino: The comment period would start now. Is that correct?

Bob Krahulik: The comment period would start from the point we distribute the DEIS.

Mr. Astorino: When do you plan on distributing the document?

Bob Pollock: If we are having the public hearing on July 20, 2011, we would have to distribute the document prior to June 15, 2011.

Connie Sardo: Right. I would have to publish the notice no later than July 6, 2011. That would be (2) weeks prior to the public hearing.

Bob Pollock: Right.

Connie Sardo: In Ted's Notice of Completion of the DEIS, it states comments on the Draft EIS are requested and will be accepted by the contact person until 4:00 p.m. on such and such date.

Mr. Astorino: We need to know the time. When will this document be out to the public for review?

Bob Pollock: We feel we would have it ready by June 15, 2011.

Mr. Astorino: Ok.

Laura Barca: How about if the Planning Board desires, they could approve it conditioned only on the items that are marked completeness, not the technical ones. Then, when it is ready and when it would be distributed, if tonight the Planning Board takes two actions they accept it as complete with those conditions and set it for the next available agenda. The next available agenda would be when it falls into the time line. That way you would be set for the public hearing already. Then, you wouldn't have to reschedule or reset it.

Mr. Astorino: We would need a date to advertise it.

Connie Sardo: We have to advertise the public hearing (2) weeks prior.

Mr. Bollenbach: We will need a date.

Laura Barca: Once the document is distributed, don't we have to wait to have the public hearing?

Bob Krahulik: No.

Mr. Astorino: No.

Bob Krahulik: You have to record (30) days as a public comment period. But, you could conduct a public hearing before that.

Laura Barca: Ok.

Mr. Astorino: Theoretically, if you have this document ready and distributed on June 15th, that would be (35) days before the public hearing. Is that correct?

Mr. Bollenbach: Yes.

Mr. Astorino: Would that work for you?

Bob Pollock: Yes.

Mr. Bollenbach: What do we want to do after that? Do you want to keep it open for another (10)-days? That would put it to the 1st meeting in August.

Mr. Astorino: Yes.

Mr. Bollenbach: Ok. The public hearing would be on July 20, 2011. Additional written comment would be until August 3, 2011.

Mr. Astorino: That would be for the 1st meeting in August.

Mr. Bollenbach: Yes.

Mr. Astorino: Ok. Are you good with that?

Bob Krahulik: Yes.

Mr. Astorino: We will need to do a motion to deem the DEIS document as complete.

Mr. McConnell makes a motion on the Watchtower Bible & Tract Society application to deem the Draft Environmental Impact Statement (DEIS) as "Complete" conditioned on HDR's comments of completeness.

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

Mr. Astorino makes a motion for the Notice of Completion of Draft EIS and Notice of Public Hearings on Draft EIS and Preliminary Subdivision Application.

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

617.9

**State Environmental Quality Review (SEQR)
Notice of Completion of Draft EIS
and**

**Notice of Public Hearings on
Draft EIS and Preliminary Subdivision Application**

Lead Agency: Town of Warwick Planning Board

Address: Town Hall
132 Kings Highway
Warwick, NY 10990

Date: November 18, 2009

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

A Draft Environmental Impact Statement (EIS) has been completed and accepted for the proposed action described below by the Town of Warwick Planning Board, the SEQR Lead Agency for the action. Comments on the Draft EIS are requested and will be accepted by the contact person until 4:00 PM on August 3, 2011. A public hearing on the Draft EIS will be held at 7:30 PM on July 20, 2011 in the Town of Warwick Town Hall on Kings Highway, Warwick, New York. As suggested by the SEQR Regulations, the Public Hearing on the Draft EIS will be held jointly with the Public Hearing on the application for Site Plan and Special Use Permit approvals.

Name of Action: Proposed World Headquarters of Jehovah's Witnesses

Description of Action: The applicant has requested approval from the Town of Warwick Planning Board for locating the world headquarters of Jehovah's Witnesses to a tract of land, formerly owned by the International Nickel Company (INCO), which used for metallurgical laboratories and a pilot alloying facility. The proposed World Headquarters will provide space for a religious administrative campus comprised of approximately 8 buildings along with several accessory site structures constructed on approximately 45 acres of the 253-acre site. The proposed project is intended to relocate the offices of the Governing Body of Jehovah's Witnesses and various supporting departments and committees from Brooklyn, NY to a rural setting in closer proximity to the two upstate facilities in Shawangunk, NY and Patterson, NY. The proposed project is to be an integrated working and living facility, initially for approximately 850 members of the Worldwide Order, although sufficient construction is planned to allow this number to eventually grow to 1,000. These individuals will work and live on site. For this reason, virtually no commuter traffic will be generated by the proposed project.

Location: 1 Kings Drive in the Land Conservation (LC), Ridgeline Overlay (RL-O), and Biodiversity Conservation Overlay (BC-O) Zoning Districts, Town of Warwick, Orange County, New York.

Potential Environmental Impacts:

1. Increased susceptibility to erosion from the loss of natural vegetation on the site during construction.
2. Blasting and permanent alteration to geology.
3. Increase to the volume of stormwater runoff from new impervious areas.
4. An increase in emissions and fugitive dust generation during construction and emissions from the heating plant.
5. Disturbance to two previously undisturbed eastern deciduous hardwood forest areas.
6. Disturbance to an area potentially supporting hyssop skullcap, a New York State-protected vegetative species.
7. Disturbance to habitat supportive of eastern bluebirds, a New York State-protected wildlife species.
8. Potential chance encounters with red-shouldered hawks, a New York State-protected wildlife species.
9. Potential chance encounters with timber rattlesnakes, eastern box turtles, and wood turtles, all New York State-protected wildlife species.
10. A minimal increase in the volume of traffic and delays through local intersections.
11. A minimal increase in the demand for police, fire and ambulance services.
12. A minimal increase in the demand for recreation services.
13. An increase in the volume of wastewater received by the local wastewater treatment facility (STP).
14. An increase in the demand for potable water.
15. An increase in the volume of solid waste generated locally.
16. A minimal increase in costs to the local fire district.
17. A minimal impact to views from the public boat launch at the north side of Blue Lake and from the adjacent private lands of IBM.
18. A minimal increase in the amount of light visible at the sight during nighttime hours.
19. The project will disturb areas of the site that may contain historic and archaeological resources.

The Draft EIS is herewith circulated to all agencies. A Copy of the Draft EIS is available through the contact person named below. Additional paper copies of the Draft EIS are available for examination at the Warwick Town Hall and electronic versions are available for downloading and printing on the Town of Warwick Internet website at <http://www.townofwarwick.org/>.

Contact Person: Connie Sardo, Secretary
Address: Town of Warwick Planning Board
Town Hall
132 Kings Highway
Warwick, NY 10990
Telephone: 845.986.1127

A Copy of this Notice and Draft EIS Filed With:

Town	of	Warwick	Planning	Board
Town				Hall
132		Kings		Highway
Warwick, NY 10990				

Environmental Notice Bulletin (**Notice Only**)

Email: enb@gw.dec.state.ny.us

Michael Sweeton, Town Supervisor

Town Board of the Town of Warwick

Town of Warwick Zoning Board of Appeals

Town of Warwick Conservation Advisory Board

Town of Warwick Architectural Review Board

Orange County Department of Health

Orange County Department of Planning

Orange County Department of Public Works

New York State Department of Environmental Conservation

Palisades Interstate Park Commission

United States Army Corps of Engineers

Town Board of the Town of Tuxedo

Village of Greenwood Lake Board of Trustees

Greenwood Lake Fire District

Borough of Ringwood Council

Tuxedo Union Free School District

Environmental Notice Bulletin

enb@gw.dec.state.ny.us

Mr. Singer: How many acres is this parcel?

Bob Pollock: It is 253 acres.

Mr. Singer: On the application, we are saying that 30 acres of previously developed land. Now, you want to develop 45 acres. You were telling us previously that you would be having lots of open space between the 45 acres of what you totally own. Is there any chance you could give me a commitment that there would be no further development on this project and that would remain as open space?

Bob Pollock: Sure. We could do whatever the Board requires.

Mr. Astorino: That is not a requirement.

Mr. Singer: That is not a requirement. But, I would like to see the rest of it preserved. I don't want the rest of it developed. Could you commit to that?

Bob Pollock: Yes. The land only supports a certain amount of population with water, sewer, etc...

Mr. Singer: Correct.

Bob Pollock: Basically there is no more headroom within the existing water and sewer unless you develop something else. That is why rather than developing for a certain number then later on adding to it. Let's do it all at once. You can't go anymore. There are actually physical limitations that restrict us beyond the use of the land.

Mr. Singer: Are you saying that the rest of the land would be preserved as open space and you would not come back for further development of the property?

Bob Krahulik: The answer to the question is internally we would discuss how much we could dedicate to an open space. We would talk about the matter in which it would be preserved. We would talk about the matter which we would identify that space on the map.

Mr. Singer: You are not willing to do that this evening.

Mr. Bollenbach: No.

Laura Barca: This is the very beginning of the process.

Mr. Singer: Ok.

Mr. Showalter: As I recall with speaking to Mr. Pollock, he said that the land itself the way it is laid out, it was not conducive to further development.

Bob Pollock: On the northeast side of Long Meadow Road is very difficult to develop. Now, you could develop outside of where we are developing on which is the southwest side of the road, it would be possible to do that. But, we are up against other things like the water and sewer, etc...

Mr. Astorino: Ok. You have the dates. Connie, you will need to keep in mind when to publish this.

Connie Sardo: Yes.

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

Connie Sardo: Ok. Bob, when you are getting close to distribution of the document, please email or call me.

Bob Pollock: Yes.

Mr. Astorino: You will let Connie know on or before June 15th.

Bob Pollock: Yes.

Mr. Astorino: Great. Thank you.

Bob Pollock: Thank you.

Bob Krahulik: Thank you.

Other Considerations:

1. **Wheeler Road Estates** – Letter from Ryan McGuire, Pietrzak & Pfau Engineering, dated 4/4/11 addressed to the Planning Board in regards to the Wheeler Road Estates Subdivision – requesting a 11th 6th Month Extension on Preliminary Approval of a proposed 32-Lot cluster subdivision, situated on tax parcel SBL # 8-2-44.223; parcel located along the northerly side of Wheeler Road (C.R. #41) at the intersection of Dussenbury Drive, in the RU zone, of the Town of Warwick. Preliminary Approval was granted on, 11/2/05. *The applicant has stated that due to the current economic and housing climate, as well as the banking industry's present lending policies, the applicant will require additional extension until he can obtain private financing for this project.* The 11th 6th Month Extension becomes effective on, 5/2/11.

Mr. McConnell makes a motion on the Wheeler Road Estates application, granting a 11th 6-Month Extension on Preliminary Approval of a proposed 32-Lot cluster subdivision, SBL # 8-2-44.223. Preliminary Approval was granted on, 11/2/05. The 11th 6-Month Extension becomes effective on, 5/2/11.

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

2. **Lands of Masanda-Luft Subdivision** – Letter from Kirk Rother, P.E., dated 4/8/11 addressed to the Planning Board in regards to the Lands of Masanda-Luft Subdivision – requesting “3rd Re-Approval” of Final Approval of a proposed 22-Lot cluster subdivision, situated on tax parcel SBL # 26-1-6.5; parcel located on the northern side of Newport Bridge Road and at the intersection with Blooms Corners Road, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on, 4/16/08. *The applicant has stated that due to the current economic conditions, the applicant has had difficulty in obtaining the necessary financing to satisfy the conditions for final approval.* The 3rd Re-Approval of Final Approval becomes effective on, 4/16/11.

Mr. McConnell makes a motion on the Lands of Masanda-Luft Subdivision application, granting “3rd Re-Approval” of Final Approval for a proposed 22-Lot cluster subdivision + 2-Affordable Homes subdivision and Special Use Permit for the Affordable Homes, situated on tax parcel S 26 B 1 L 6.5; parcel located on the northern side of Newport Bridge Road and at the intersection with Blooms Corners Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of Final Approval granted on, 4/16/08.

The 3rd Re-Approval of Final Approval becomes effective on, 4/16/11, subject to the conditions of Final Approval granted on, 4/16/08.

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

Mr. Singer: John, when they receive final approval, is there some limit in time on how long we wait before they lose the final approval?

Mr. Bollenbach: They have 2 years. They have 2 years to get their building permit, etc... It is 2 years from January 1, 2011. If they go and file in sections, then they would have 3 years to start.

Mr. Singer: The maximum is 3 years. Is that correct?

Mr. Bollenbach: Yes.

Mr. Astorino: That would be starting from this January 1, 2011.

Mr. Bollenbach: Yes. There could be additional extensions granted by the Building Department if they are showing due diligence and they actually get the shovel into the ground. There are provisions that they would have additional time to complete.

Mr. Singer: Ok.

3. **Michael Buono Subdivision** – Letter from Karen Emmerich, Lehman & Getz Engineering, dated 5/2/11 addressed to the Planning Board in regards to the Michael Buono Subdivision – requesting a 6th Month Extension on 2nd Re-Approval of Final Approval of a proposed 2-Lot subdivision, situated on tax parcel SBL # 10-1-64.3; parcel located on the western side of Glenwood Road 500 feet south of Newport Bridge Road, in the RU zone. Conditional Final Approval was granted on, 11/19/08. *That applicant has stated that he is still concerned about the economy, and is not able to build a home on the new lot at this point in time. He would like an extension of the approval to give himself more time to decide what he plans to do with the property.* The 6th Month Extension on 2nd Re-Approval of Final Approval becomes effective on, 5/19/11.

Mr. McConnell: This one strikes me different. We are not talking about infrastructure that needs to be built in order for this to be utilized. I know that the Code doesn't make a distinction. But, to me it is a little bit different.

Mr. Astorino: It sounds like he wanted to do this as a spec lot and it didn't pan out for him.

Connie Sardo: He is almost done completing this. The only thing we were waiting for were the fees. We are waiting for payment of the parkland fees and bonds. That is it.

Mr. Astorino: And, changes in the tax designation.

Mr. McConnell: Maybe this would be something for the Town Board to take up as to whether this situation deserves the same consideration.

Mr. Astorino: John, maybe you could do a memo to the Town Board.

Mr. McConnell: John, do you see what I am trying to say here?

Mr. Bollenbach: Yes.

Mr. McConnell makes a motion on the Michael Buono Subdivision application, granting a 6 Month Extension on 2nd Re-Approval of Final Approval of a proposed 2-Lot subdivision. SBL # 10-1-64.3. Conditional Final Approval was granted on, 11/19/08. The 2nd Re-Approval of Final Approval was granted on 12/15/10 became effective on, 11/19/08. The 6th Month Extension on 2nd Re-Approval of Final Approval becomes effective on, 5/19/11.

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

4. **Planning Board Minutes of 4/6/11** – Planning Board Minutes of 4/6/11 for Planning Board's Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 4/6/11.

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

5. **5/9/11 Work Session & 5/18/11 Planning Board Meeting** – Planning Board to discuss Cancelling the 5/9/11 Work Session & 5/18/11 Planning Board Meeting.

Mr. Singer makes a motion to cancel the 5/9/11 Work Session and the 5/18/11 Planning Board Meeting.

Seconded by Mr. Kowal. 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. Showalter makes a motion to adjourn the May 4, 2011 Planning Board Meeting.

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