

TOWN OF WARWICK PLANNING BOARD

May 7, 2014

**“DRAFT”**

Members present: Chairman, Benjamin Astorino  
Roger Showalter, Vice-Chairman  
Dennis McConnell, Beau Kennedy,  
Christine Little, John MacDonald, Alternate  
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 7, 2014 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

**PUBLIC HEARING OF Wesley and Diane Doss & Sandra McMahon**

Application for Final Approval of a proposed Lot Line Change, situated on tax parcels S 58 B 2 L 1.21 and S 47 B 1 L 18.2; parcels located on the eastern side of Nelson Road 1600± feet south of Oak Hill Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Wesley and Diane Doss, Applicants

Connie Sardo: Mr. Chairman, we just received the certified mailings for the Doss public hearing.

Mr. Astorino: Thank you.

The following comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 01/15/14 no comments
4. Architectural Review Board comments: pending
5. OC Planning Department: 01/13/14 no advisory comments
6. Building Department notes that there are the following violations: hot tub needs a permit, pool enclosure is not to code, and need shed permit or remove shed. Shed has been removed and pool enclosure is now in compliance.
7. Applicant to clarify driveway and garage that are partially located on 58-2-1.22 (N/F Segrich). – Pending Attorney Review
8. Applicant to clarify driveways, pillars, retaining walls, drainage, etc. that are on his property but belong to adjacent land owners. – Pending Attorney Review
9. Add a note to the plans stating: Planning Board approval of this plat shall not constitute an approval of any site plan features, including encroachments, as shown on these plans; these features and encroachments are existing conditions not altered by this approval. No approval is made or intended with respect to these site improvements depicted on this map.

10. Applicant to clarify the location of O&R easement that is called out; it is difficult to determine the location of this easement on the drawing.
11. Applicant to confirm that legal proceedings have been completed between Doss and McMahan and submit final resolution. – Pending Attorney Review
12. Provide a map note stating that, “No construction or PROPOSED use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheets 1 and 2, Note 7
13. The 911 addresses of both parcels shall be added to the map.
14. The names, address, and tax id numbers of the properties within 300-ft shall be added to the drawing.
15. Surveyor to certify that iron rods have been set at all property corners.
16. The declaration for the ridgeline overlay notes must be added to the plans.
17. The recording information for the two new parcel deeds must be submitted.
18. Payment of all fees.

The following comment submitted by the Conservation Board:

Wesley and Diane Doss & Sandra McMahan – None submitted.

The following comment submitted by the ARB:

Wesley and Diane Doss & Sandra McMahan – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: This SEQR comment has been prepared by Mr. Ted Fink, dated 5/7/14: *“The Planning Board classified Doss as a Type 2 Action under SEQR and adopted a resolution on January 15, 2014. Therefore no further action under SEQR is required.”*

Comment #2: Applicant to discuss project.

Wesley Doss: We are purchasing a piece of property approximately  $\frac{3}{4}$  of an acre in size from a neighbor.

Mr. McConnell: What was the reason for that?

Wesley Doss: We are taking care of an encroachment issue. We are not building anything on it.

Mr. McConnell: You are just making your property line reconcile with where you have buildings and whatever.

Wesley Doss: Yes.

Mr. McConnell: Ok.

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

Comment #4: Architectural Review Board comments: pending

Comment #5: OC Planning Department: 01/13/14 no advisory comments

Comment #6: Building Department notes that there are the following violations: hot tub needs a permit, pool enclosure is not to code, and need shed permit or remove shed. Shed has been removed and pool enclosure is now in compliance.

Mr. Astorino: You are working with the Building Department on this matter to get it all resolved. Is that correct?

Wesley Doss: The pool enclosure has been done. It has been inspected. The hot tub has been applied for and paid for. They will not issue a permit yet until this lot line change gets approved.

Mr. Astorino: Ok.

Mr. Bollenbach: We will keep Comment #6.

Mr. Astorino: Ok.

Comment #7: Applicant to clarify driveway and garage that are partially located on 58-2-1.22 (N/F Segrich). – Pending Attorney Review

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

Wesley Doss: We have an easement.

Mr. Astorino: Ok. Our Attorney has to review it.

Comment #8: Applicant to clarify driveways, pillars, retaining walls, drainage, etc. that are on his property but belong to adjacent land owners. – Pending Attorney Review

Mr. Astorino: John, you will review that.

Mr. Bollenbach: Yes. I will review that.

Comment #9: Add a note to the plans stating: Planning Board approval of this plat shall not constitute an approval of any site plan features, including encroachments, as shown on these plans; these features and encroachments are existing conditions not altered by this approval. No approval is made or intended with respect to these site improvements depicted on this map.

Wesley Doss: David Higgins is putting that on the plans. The 911 addressing he will also do. He will also be doing the monuments on May 23, 2014.

Mr. Astorino: Ok.

Comment #10: Applicant to clarify the location of O&R easement that is called out; it is difficult to determine the location of this easement on the drawing.

Wesley Doss: That has been done.

Comment #11: Applicant to confirm that legal proceedings have been completed between Doss and McMahon and submit final resolution. – Pending Attorney Review

Mr. Astorino: That will be submitted to John.

Wesley Doss: That has been submitted.

Mr. Bollenbach: Yes. It has been submitted. I am satisfied with that.

Mr. Astorino: Do we want to strike Comment #11?

Mr. Bollenbach: Let's just keep that comment there.

Comment #12: Provide a map note stating that, "No construction or PROPOSED use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." Sheets 1 and 2, Note 7

Wesley Doss: I believe that has been complete already.

Laura Barca: The reason that proposed is in capital letters because they wanted to add that word to the note to make it clearer.

Comment #13: The 911 addresses of both parcels shall be added to the map.

Wesley Doss: Yes.

Comment #14: The names, address, and tax id numbers of the properties within 300-ft shall be added to the drawing.

Wesley Doss: Dave Higgins will do that.

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

Wesley Doss: Dave Higgins will be doing that on May 23, 2014.

Comment #16: The declaration for the ridgeline overlay notes must be added to the plans.

Wesley Doss: I believe that has already been completed. I think Dave has done that.

Laura Barca: I will have to check that.

Wesley Doss: It will be on the final map. I am 99% sure that he has already completed that.

Laura Barca: Ok.

Comment #17: The recording information for the two new parcel deeds must be submitted.

Wesley Doss: Do you mean the metes and bounds?

Mr. Bollenbach: The deeds are going to actually convey that parcel.

Wesley Doss: Yes. That will be done when this is complete.

Mr. Bollenbach: That is going to be a requirement for that to be placed on the map.

Mr. Astorino: Yes.

Wesley Doss: Yes.

Comment #18: Payment of all fees.

Wesley Doss: We have paid already.

Mr. Astorino: There will be final review fees.

Wesley Doss: Ok.

Mr. Astorino: Do any Board members or Professionals have any comments? This is a public hearing. If there is anyone in the audience wishing to address the Doss/McMahon application, please rise and state your name for the record.

Mayra Skeete: I live on Lakes Road. We received this letter. We are not sure how it would affect us.

Mr. Astorino: It probably doesn't.

Mayra Skeete: Ok.

Mr. Astorino: If you are within 300 feet of their property, by law they would have to send you a letter.

Mayra Skeete: Ok.

Mr. Bollenbach: There is no construction proposed. What this project is about is to cure an encroachment with an adjoining property line.

Mayra Skeete: Thank you.

Mr. Astorino: Is there anyone else wishing to address the Doss/McMahon application? Let the record show no further public comment.

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

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

Mr. Kennedy makes a motion on the Wesley and Diane Doss & Sandra McMahon application, granting Final Approval (Vote 5-0-0) of a proposed Lot Line Change, situated on tax parcels S 58 B 2 L 1.21 and S 47 B 1 L 18.2; parcels located on the eastern side of Nelson Road 1600± feet south of Oak Hill Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York. Approval is granted subject to the following conditions:

1. Building Department notes that there are the following violations: hot tub needs a permit, pool enclosure is not to code, and need shed permit or remove shed. Shed has been removed and pool enclosure is now in compliance.
2. Applicant to clarify driveway and garage that are partially located on 58-2-1.22 (N/F Segrich). – Pending Attorney Review
3. Applicant to clarify driveways, pillars, retaining walls, drainage, etc. that are on his property but belong to adjacent land owners. – Pending Attorney Review
4. Add a note to the plans stating: Planning Board approval of this plat shall not constitute an approval of any site plan features, including encroachments, as shown on these plans; these features and encroachments are existing conditions not altered by this approval. No approval is made or intended with respect to these site improvements depicted on this map.
5. Applicant to clarify the location of O&R easement that is called out; it is difficult to determine the location of this easement on the drawing.
6. Applicant to confirm that legal proceedings have been completed between Doss and McMahon and submit final resolution. – Pending Attorney Review
7. Provide a map note stating that, “No construction or PROPOSED use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheets 1 and 2, Note 7
8. The 911 addresses of both parcels shall be added to the map.
9. The names, address, and tax id numbers of the properties within 300-ft shall be added to the drawing.
10. Surveyor to certify that iron rods have been set at all property corners.
11. The declaration for the ridgeline overlay notes must be added to the plans.
12. The recording information for the two new parcel deeds must be submitted.
13. Payment of all fees.

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

Wesley Doss: Thank you.

**PUBLIC HEARING OF Timothy and Bonnie Todman**

Application for Site Plan Approval and Special Use Permit for the construction and use of a Guest House, situated on tax parcel S 2 B 2 L 49.2; parcel located on the south side of Newport Bridge Road and Glenwood Road, in the SL zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Timothy and Bonnie Todman, Applicants.

Connie Sardo: Mr. Chairman, I just received the certified mailings for the Todman public hearing.

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 03/05/14 no comments
4. Architectural Review Board comments: pending
5. OC Planning Department: 02/28/14 advisory comments: building close to wetlands and guest house is a good way to increase supply of more affordable housing units
6. Provide a map note stating that, "No construction or PROPOSED use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." (Added to Sheet 1 as Note 16.)
7. Applicant to provide pavement cross section for driveway paving.
8. Surveyor to certify that iron rods have been set at all property corners. (Applicant is requesting a waiver.)
9. The declaration information for the Agricultural Notes must be shown on the plans (added to Sheet 1, Note 17).
10. Payment of all fees.

The following comment submitted by the Conservation Board:

Timothy and Bonnie Todman – None submitted.

The following comment submitted by the ARB:

Timothy and Bonnie Todman – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: This SEQR comment has been prepared by Mr. Ted Fink, dated 5/7/14: *"The Planning Board classified Todman as an Unlisted Action on March 5, 2014. Since the site is located within an archaeologically sensitive area, a Phase I investigation was undertaken. No other significant environmental issues arose in connection with the proposed guest house. The archaeology study included documentary research in Albany*

*and a site reconnaissance that involved digging 16 test holes within the proposed area of disturbance. No archaeological resources were found as a result of the field work. Therefore, a Negative Declaration has been prepared.”*

Comment #2: Applicant to discuss project.

Dave Getz: Mr. and Mrs. Todman have owned this property for many years. They live on the property on Newport Bridge Road. They have about 7.25 acres. They propose a second house on the property. That house is to be a guest house. It is a theoretical subdivision that could divide the property into 2 conforming lots. But they don't intend to file a subdivision map. Since our last appearance, the 2 lots that they own has been merged into one lot. We have addressed a few minor technical issues.

Comment #3: Conservation Board comments: 03/05/14 no comments

Comment #4: Architectural Review Board comments: pending

Comment #5: OC Planning Department: 02/28/14 advisory comments: building close to wetlands and guest house is a good way to increase supply of more affordable housing units

Comment #6: Provide a map note stating that, “No construction or PROPOSED use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” (Added to Sheet 1 as Note 16.)

Laura Barca: We added that word to our standard notes. You already have the note. You just need to add the word proposed.

Dave Getz: Ok.

Comment #7: Applicant to provide pavement cross section for driveway paving.

Dave Getz: Will do.

Comment #8: Surveyor to certify that iron rods have been set at all property corners. (Applicant is requesting a waiver.)

Dave Getz: Actually, the pins have been set by the Surveyor. We are not requesting a waiver.

Mr. Astorino: Ok.

Comment #9: The declaration information for the Agricultural Notes must be shown on the plans (added to Sheet 1, Note 17).

Bonnie Todman: I turned that in on Friday to the Town.

Mr. Bollenbach: I will review that.

Comment #10: Payment of all fees.

Dave Getz: Ok.

Bonnie Todman: Ok.

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

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

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

Mr. Showalter makes a motion for the Negative Declaration.

Seconded by Ms. Little. The following Resolution was carried 5-Ayes.

617.12(b)

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

**Name of Action:** Todman Guest House

**Whereas**, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed guest house on a 7.25 acre parcel of land containing an existing single-family residence, 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 January 28, 2014, 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.

Ms. Little makes a motion on the Timothy and Bonnie Todman application, granting Site Plan Approval & Special Use Permit (Vote 5-0-0) for the construction and use of a Guest House, situated on tax parcel S 2 B 2 L 49.2; parcel located on the south side of Newport Bridge Road and Glenwood Road, in the SL zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on May 7, 2014. Approval is granted subject to the following conditions:

1. Provide a map note stating that, “No construction or PROPOSED use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” (Added to Sheet 1 as Note 16.)
2. Applicant to provide pavement cross section for driveway paving.
3. Surveyor to certify that iron rods have been set at all property corners. (Applicant is requesting a waiver.)
4. The declaration information for the Agricultural Notes must be shown on the plans (added to Sheet 1, Note 17).
5. Payment of all fees.

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

Dave Getz: Thank you.

Timothy Todman: Thank you.

Bonnie Todman: Thank you.

**Other Considerations:**

1. Planning Board Minutes of 4/2/14 for PB Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 4/2/14.

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

2. Planning Board to discuss canceling the 5/12/14 W.S. & 5/21/14 PB Meeting. Due to no submittals.

Mr. Kennedy makes a motion to cancel the 5/12/14 Work Session and the 5/21/14 Planning Board Meeting.

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

3. **Wheeler Road Estates** – Letter from Anthony Trochiano, P&P Engineering, dated 4/9/14 addressed to the Planning Board in regards to the Wheeler Road Estates subdivision – requesting a 17<sup>th</sup> 6-Month Extension on Preliminary Approval of a proposed 31-Lot subdivision + 3-Affordable Homes, 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 SL zone, of the Town of Warwick. Preliminary Approval was granted on 11/2/05. *The Applicant has stated that they are working to resolve outstanding SEQRA items.* The 17<sup>th</sup> 6-Month Extension becomes effective on 5/2/14.

Mr. McConnell makes a motion on the Wheeler Road Estates application, granting a 17<sup>th</sup> 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 17<sup>th</sup> 6-Month Extension becomes effective on, 5/2/14.

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

4. **Mongelluzzo Subdivision** – Letter from Kirk Rother, P.E., dated 4/28/14 addressed to the Planning Board in regards to the Mongelluzzo Subdivision – requesting a 13<sup>th</sup> 6-Month Extension on Preliminary Approval of a proposed 2-Lot Cluster subdivision, situated on tax parcel SBL #31-2-44.32; parcel located on the southeasterly side of Ackerman Road 1200± feet off the intersection of Kings Highway (C.R. 13); in the RU zone, of the Town of Warwick. Preliminary Approval was granted on 11/21/07. *The Applicant has stated that additional engineering and surveying in the area along Ackerman Road where the existing driveway lies needs to be done. Due to the weather and the cost of completing this work, they are unable to provide the additional information at this time. The extension is being requested.* The 13<sup>th</sup> 6-Month Extension becomes effective on 5/21/14.

Mr. Kennedy makes a motion on the Mongelluzzo Subdivision, granting a 13<sup>th</sup> 6-Month Extension on Preliminary Approval of a proposed 2-Lot Cluster subdivision, SBL # 31-2-44.32. Preliminary Approval was granted on 11/21/07.

The 13<sup>th</sup> 6-Month Extension becomes effective on 5/21/14.

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

5. **Warwick Isle Corp.** – Letter from Kirk Rother, P.E., dated 4/25/14 addressed to the Planning Board in regards to the Warwick Isle Subdivision – requesting **3<sup>rd</sup> Re-Approval** of Final Approval for Section I to consist of 7-Lot Cluster subdivision including a Special Use Permit for the 1-Affordable Home, Lot #5, situated on tax parcel SBL #3-1-6.21; parcel located on the northern side of Merritts Island Road at the intersection with C.R. 1, in the SL zone, of the Town of Warwick. Conditional Final Approval was granted on 4/6/11. *The Applicant has stated that due to the current economic climate, the Applicant is unable to satisfy the conditions of final approval at this time.* The 3<sup>rd</sup> Re-Approval of Final Approval becomes effective on 4/6/14, subject to the conditions of Final Approval granted on 4/6/11.

Mr. McConnell makes a motion on the Warwick Isle subdivision, granting **3<sup>rd</sup> Re-Approval** of Final Approval for filing Section I to consist of 7-Lot Cluster subdivision including a Special Use Permit for the one Affordable Home, Lot #5, situated on tax parcel SBL # 3-1-6.21; parcel located on the northern side of Merritts Island Road at the Intersection with C.R. 1, in the SL zone. Conditional Final Approval was granted on 4/6/11. (See attached)

The 3<sup>rd</sup> Re-Approval of Final Approval for Section I becomes effective on 4/6/14, subject to the conditions of final approval granted on 4/6/11.

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

Laura Barca: We need to do a site inspection.

Mr. Astorino: I know. We were supposed to do that a year ago. We will set something up soon. We have to talk to Paul Ruszkiewicz. He has to be out there with us because he's on that Drainage District.

Laura Barca: The question was because the adjacent farmer wanted to make sure whatever housing would be put in the drainage wouldn't affect him.

Mr. Astorino: We were going to walk out there with Paul to make sure that it is done properly.

Mr. Bollenbach: It was one of the conditions of the approval that a mechanism be put in place right from the very beginning to grant an easement so that Chip Lane could go in and maintain the drainage issues.

Mr. McConnell: Right. Ok.

Mr. Astorino: We will set something up in the next 6 months.

6. **Luft Subdivision** – Letter from Kirk Rother, P.E. dated 4/14/14 addressed to the Planning Board in regards to the Luft Subdivision – requesting **6<sup>th</sup> Re-Approval** of Final Approval of a proposed 22-Lot Cluster subdivision + 2-Affordable Homes, situated on tax parcel SBL #26-1-110; 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 climate, the Applicant is unable to satisfy the conditions of final approval at this time.* The 6<sup>th</sup> Re-Approval of Final Approval becomes effective on, 4/16/14, subject to the conditions of Final Approval granted on 4/16/08.

Ms. Little makes a motion on the Luft Subdivision, granting **“6<sup>th</sup> 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 6<sup>th</sup> Re-Approval of Final Approval becomes effective on, 4/16/14, subject to the conditions of Final Approval granted on, 4/16/08.

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

### **Correspondences:**

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

Connie Sardo: No. But, I just wanted to remind Chris and John that they have an Orange County Planning Federation class on May 12, 2014.

Ms. Little: Yes.

Mr. MacDonald: Yes.

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

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

**Mr. McConnell makes a motion to adjourn the May 7, 2014 Planning Board Meeting.**

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