

TOWN OF WARWICK PLANNING BOARD

May 15, 2013

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, May 15, 2013 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

Review of Submitted Maps:

Marie & Guiseppe Bozzone #2

Application for Site Plan Approval for the construction and use of a steel parking deck. It will be used by the residents for access to their home with suitable grades and stairs for elderly access, located in "A Designated Protection Area" of Greenwood Lake, situated on tax parcel S 73 B 9 L 30.21; project located on the south side of Lodge Drive 103 feet of Centerline (13 Lodge Drive), in the SM zone, of the Town of Warwick.

Representing the applicant: Emanuel Posluszny, P.E. from POZ Engineering. Marie Bozzone, Applicant.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments – pending
4. Architectural Review Board comments – pending
5. Greenwood Lake Commission Comments – pending comments from Commission
6. OCPD: 04/24/13 no advisory comments
7. A dye test will have to be conducted by a licensed professional and witnessed the by Town of Warwick.
8. A site inspection may be necessary to review the existing site for stormwater concerns and building height. **Scheduled for 6pm May 15, 2013**
9. The Applicant should check the Town's webpage to determine if the property is within the Town's five overlay districts.
10. The information on the neighbors within 500-ft is not shown on the plan (e.g., address and section-block-lot). Applicant to provide list as a separate attachment.
11. This property is an existing small lot and therefore SM zoning and §164-45.1 apply. The Applicant should clearly state which bulk requirements are satisfied and which will need variances.

12. The proposed driveway ramp should be overlaid on the survey to show that it fits within the required setbacks of the zoning district.
13. The Agricultural Data statement is not signed or dated.
14. The checklist is not signed or dated.
15. The NYSDEC enviromapper indicates that there could be a rare and/or endangered plant/animal on or near the Bozzone property.
16. A note must be added to the plans stating that soil erosion measures will be implemented to prevent soil from entering Greenwood Lake.
17. More information must be submitted to show that all construction (the positioning of the drill rig, boring installation, etc.) will be able to take place solely on the Bozzone property, unless temporary construction easements are put into place with the neighbors.
18. There must be confirmation that the neighbor's fence will not be damaged (or will be restored if it is damaged.)
19. The Applicant should clarify that snow load was included in the calculations.
20. The Applicant should clarify if the structure is an open structure (meaning no closed-in walls).
21. The Applicant should clarify how snow removal will take place and where snow accumulations will be stored.
22. Parking lot ramp and deck are designed for the passenger cars only, not for the trucks and buses. Drawing should clearly indicate that heavy vehicles are prohibited using the structure. Signage in the field may be necessary to prevent unknowing large trucks from trying to use the ramp.
23. The 3000 lb. concentrated design load shall be with note #16 on S – 1 drawing as well as the uniform distributed load. (2010 NYS building code, table 1607.1, note a.)
24. Drill shaft reinforcement depth and dimensions should be shown on “TYPICAL DRILLED PEIR DETAIL” in S – 2.
25. Vehicle barrier system should be shown on drawings. If the guardrail and post are designed for 6000 lb. horizontal vehicular load (2010 NYS building code, 1607.7.3), this later load should be indicated on the drawing S – 3.
26. All projects within 100-ft of Greenwood Lake must submit a full-size plan and cover letter to the Greenwood Lake Commission.
27. According to §150-4, over 0.25-acre is not allowed to be cleared without a permit from the building department citing any planning board requirements. Applicant to verify area of disturbance.
28. The colors, including reflectivity, must be shown on the plan.
29. Applicant to verify conformance with the Town's lighting code.
30. Applicant to verify conformance with the Town's signage code, as applicable.
31. Provide a map note stating that, “No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”
32. Surveyor to certify that iron rods have been set at all property corners.
33. Payment of all fees.

The following comment submitted by the Conservation Board:

Marie & Guiseppe Bozzone #2 – None submitted.

The following comment submitted by the ARB, dated 5/15/13:

Marie & Guiseppe Bozzone #2 - However, with regard to Bozzone's parking deck on Greenwood Lake, the ARB believes the Planning Board and other advisory groups should see the following

The cover sheet is basically a conceptual rendering leaving us to ask for the following items.

Sight distances and possibly a satellite image of the lot and surrounding area for impacts. A 3-D Cad/Cam model would be ideal superimposed on a visual of the site, accompanied by a profile of the hillside as it currently is and as proposed with the platform.

How will this affect the view from Greenwood Lake? Will any view problems from the lake towards the lot be mitigated with planting? This is consistent with what the Planning Board asked of Mongelluzzo a couple years ago. Will the portion below the parking deck be turned into a storage area? Into a bonus room? If enclosed, what will the visual impact be?

Since the driveway appears to be on a leg of the lot or an easement, is there any restriction from such an arrangement that would have a negative impact on the construction?

Please provide to the building department indication of snow and ice load limits and how they will be removed without creating a runoff problem.

I'm sure we will understand more after Wednesday's site visit.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: I prepared a Type 2 Action Resolution for the Planning Board. It seems to meet the thresholds. It is 617.5(c)(10), which is the construction, expansion, or the placement of minor accessory/pertinent residential structures including garages, carports, decks, patios, swimming pools, tennis courts, etc... or other buildings not changing ranges or density. This project seems to meet the thresholds.

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

Seconded by Mr. Ruszkiewicz. The following Resolution was carried 4-Ayes.

617.6
State Environmental Quality Review (SEQR)
Resolution
Type 2 Action

Name of Action: Bozzone Driveway & Parking Deck

Whereas, the Town of Warwick Planning Board is in receipt of a Site Plan application by Guiseppe & Marie Bozzone for a ± 0.02 acre parcel of land located at 13 Lodge Drive, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated April 8, 2013 was submitted at the time of application, and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is a Type 2 Action that meets the thresholds found in 6 NYCRR 617.5(c)(10) and, therefore, SEQR does not apply, and

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

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

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

Comment #2: Applicant to discuss project.

Emanuel Posluszny: We were called in to address the slope and the non-guardrail on the existing driveway that was put in previously. What we envisioned was a parking deck as opposed to something that would be earth filled. Earth filled would have been too expensive. It would have also been too environmental damaging. We were looking to design the parking deck. We wanted to eliminate the live load on the existing driveway. The live load would eventually push the driveway down. It would fail. That is the other reason why we are addressing this. The steel structure, we started with a 10-foot 10 degree slope. We decided that we needed to preserve a right-of-way going in. We decided to raise it up 2 more feet. The structure would stand 10 feet. It would be a steel structure. It would have guardrails on it. It would have an easy access and a turnaround for one car. It would take 3 cars within the deck area. It would take more on the ramp itself. It would be designed only for passenger cars. We have addressed some of these issues on that already. We did put the live load on the initial submission. That is what we propose to do. We are extending the deck out 10 feet with a cantilever. We would be cutting down a tree. That tree would become a problem later on. There is deterioration within the wall itself that a previous contractor had done. We did see some water movement.

Mr. Astorino: This would take the load off the existing wall.

Emanuel Posluszny: Yes.

Mr. Astorino: Ok.

Comment #3: Conservation Board comments – pending

Mr. McConnell: How would it take the load off the existing wall? That existing wall is holding back earth and rocks, etc.... It seems like you are not going to eliminate the load.

Mr. Astorino: They would have to put something on top of it.

Mr. McConnell: It would be inaccurate to say that it is eliminating the load from the wall.

Emanuel Posluszny: We are eliminating the live load.

Mr. McConnell: What is that defined as?

Emanuel Posluszny: The live load is defined as the movement on top that is causing it to move. If it is static and not disturbed, it just stays there.

Mr. McConnell: Meaning, if there are no vehicles on top of that. It would just stay there.

Emanuel Posluszny: Right. It would just stay there.

Mr. McConnell: It is a very steep slope. There has to be downward pressure, water, etc... You would have to be providing some pressure against that retaining wall. It would be more accurate to say that it would reduce it but not eliminate it.

Emanuel Posluszny: We didn't make the study of that. A study of that would have to be made.

Mr. Astorino: I believe Laura could answer that question. I would guess that wall was built to a certain specification.

Mrs. Bozzone: I have had that house for 31 years. The house is still there. It is only my husband and I that live there. As Ben had realized today, let us say I had a friend come over. We only have one car. If I have people come to my house to finish work or whatever, I have no parking. We only have one car that could park there.

Emanuel Posluszny: We are talking about the present deck.

Mrs. Bozzone: Ok.

Emanuel Posluszny: They wanted to know if we don't disturb it, would it fail.

Mrs. Bozzone: Ok. No question about that.

Mr. Astorino: Let us look at it this way. When the deck is put in place, even if that wall does fail at some point in time, the posts for that deck are inside the wall. If that wall does fail, the deck would still be in place. It is attached to bedrock. Am I correct?

Laura Barca: That was what he had mentioned to you at the site visit.

Mr. Astorino: Over time, say for instance 20 years, if that wall fails, the integrity of that deck would still remain. Is that correct?

Emanuel Posluszny: It would actually add to the integrity of that deck.

Mr. Astorino: Just say at worst case scenario that wall falls over, the cantilever parking structure integrity would still remain.

Mr. McConnell: I just wanted the record to reflect that we are not eliminating the load on the wall. We are going to reduce it.

Mr. Astorino: Right.

Emanuel Posluszny: That is correct.

Mr. McConnell: Ok. That was all I wanted to know.

Mrs. Bozzone: When they had done that wall, they put a block in there. They don't move.

Mr. Astorino: I am sure there are some standards when that was there.

Mrs. Bozzone: Yes.

Mr. Astorino: Ok.

Comment #4: Architectural Review Board comments – pending

Mr. Astorino: We have a comment from the ARB, dated 5/15/13. The comment is stated as follows: *“However, with regard to Bozzone's parking deck on Greenwood Lake, the ARB believes the Planning Board and other advisory groups should see the following*

The cover sheet is basically a conceptual rendering leaving us to ask for the following items.

Sight distances and possibly a satellite image of the lot and surrounding area for impacts. A 3-D Cad/Cam model would be ideal superimposed on a visual of the site, accompanied by a profile of the hillside as it currently is and as proposed with the platform.

How will this affect the view from Greenwood Lake? Will any view problems from the lake towards the lot be mitigated with planting? This is consistent with what the Planning Board asked of Mongelluzo a couple years ago. Will the portion below the parking deck be turned into a storage area? Into a bonus room? If enclosed, what will the visual impact be?

Since the driveway appears to be on a leg of the lot or an easement, is there any restriction from such an arrangement that would have a negative impact on the construction?

Please provide to the building department indication of snow and ice load limits and how they will be removed without creating a runoff problem.

I'm sure we will understand more after Wednesday's site visit”.

Comment #5: Greenwood Lake Commission Comments – pending comments from Commission

Mr. Astorino: Connie, did we send this to the GWL Commission?

Connie Sardo: Yes.

Comment #6: OCPD: 04/24/13 no advisory comments

Comment #7: A dye test will have to be conducted by a licensed professional and witnessed the by Town of Warwick.

Mr. Astorino: Laura would take care of that.

Comment #8: A site inspection may be necessary to review the existing site for stormwater concerns and building height. **Scheduled for 6pm May 15, 2013**

Mr. Astorino: We were at the site earlier tonight. Do any Board members have any questions? We are going to have a balloon test done with Ted and Laura to witness it. Basically what it is, we would put balloons up at different heights for a visual analysis. You had said, we are going to do one at 10 feet in height. The deck is going to be 10 feet height. Having a car above it, it would be a couple feet higher. You also mentioned that we would try one at 8 feet in height.

Emanuel Posluszny: Yes. We would color code them too. We would put it all down and take pictures.

Mr. Astorino: Yes. That would be for a visual analysis. Get in touch with Laura on that. She will get in touch with Ted. Get out there. Witness it. Then, we would have something that is reflected in the Code.

Mr. Ruskiewicz: When would they be doing that?

Mr. Astorino: Whenever they set it up.

Comment #9: The Applicant should check the Town's webpage to determine if the property is within the Town's five overlay districts

Mr. Astorino: I'm sure it might be in a couple of the districts.

Emanuel Posluszny: Yes. It is in 2 overlay districts. It is in the Aquifer Overlay District and the Ridgeline Overlay District.

Mr. Astorino: Is it in the Ridgeline? What is the height for that?

Mr. Bollenbach: It is 700 feet.

Mr. Astorino: I think that is below the Ridgeline.

Mr. Fink: I will check that out.

Mr. Bollenbach: We will check that out and verify it.

Comment #10: The information on the neighbors within 500-ft is not shown on the plan (e.g., address and section-block-lot). Applicant to provide list as a separate attachment.

Emanuel Posluszny: It was sent back to him. He made the changes.

Connie Sardo: I do have that 500-foot list for you. I could email that to you.

Emanuel Posluszny: Ok.

Connie Sardo: The list that I have is current. I just checked that out.

Emanuel Posluszny: Ok.

Comment #11: This property is an existing small lot and therefore SM zoning and §164-45.1 apply. The Applicant should clearly state which bulk requirements are satisfied and which will need variances.

Mr. Astorino: Where are we with this? We have not seen a structure like this? Does this comply regarding the setbacks and property lines?

Mr. Bollenbach: It is an existing driveway that is being improved. I would have to take a look into that.

Mr. Astorino: Please clarify that. Let us know where we are at.

Emanuel Posluszny: Ok. We are protecting the R.O.W.

Mr. Astorino: That is another issue.

Mr. Bollenbach: There is a R.O.W. on the downhill side.

Mr. Astorino: Yes. It runs across the driveway. I know there was a comment from the ARB regarding a bonus room or something. That is to remain open because there is a deeded R.O.W. I believe. Maybe you should check that out.

Mr. Bollenbach: Yes. I have reviewed that many times.

Mr. Astorino: Ok. That would remain open underneath there.

Comment #12: The proposed driveway ramp should be overlaid on the survey to show that it fits within the required setbacks of the zoning district.

Mr. Astorino: Let's find out what they are. Show it to us.

Emanuel Posluszny: I have that on one drawing. I don't have that on the plan drawing. I could make 2 plan drawings. I could make an A-1 drawing and an A-2 drawing. A-1, I would leave it without the deck. A-2, I would put the deck on it.

Laura Barca: That would be great. Just show it on 2 different maps.

Emanuel Posluszny: Yes.

Comment #13: The Agricultural Data statement is not signed or dated.

Emanuel Posluszny: That was my fault. I should have sent that to the Bozzones to sign. I didn't do that.

Mr. Astorino: That is fine. This is your first meeting. That is why we have these comments.

Emanuel Posluszny: We will get that signed.

Comment #14: The checklist is not signed or dated.

Emanuel Posluszny: Ok. I didn't sign that. I will take care of that.

Comment #15: The NYSDEC enviromapper indicates that there could be a rare and/or endangered plant/animal on or near the Bozzone property.

Emanuel Posluszny: I did not see anything.

Mr. Astorino: Where did you get that from?

Laura Barca: It came from the NYSDEC enviromapper.

Emanuel Posluszny: Yes. It is in that district. I didn't see it, unless there is an eagle flying around.

Mr. Astorino: I don't think there would be much out there.

Mr. Fink: I could check that out.

Mr. Astorino: Ted, just check that out. I don't think that applies here. We could strike that comment at the next meeting.

Mr. Fink: Ok. I will.

Comment #16: A note must be added to the plans stating that soil erosion measures will be implemented to prevent soil from entering Greenwood Lake.

Emanuel Posluszny: Ok. That was in my environmental plan. I had done a drawing for that.

Laura Barca: Ok.

Emanuel Posluszny: I also allowed something for spills and fill. For instance, if something happens to their engine oil or something, so it doesn't go into the water system, it would go into a system with a catch basin with absorbent sides.

Mr. Astorino: Ok.

Laura Barca: Ok.

Emanuel Posluszny: They would have to change it so often.

Laura Barca: Right.

Emanuel Posluszny: That would eliminate any erosion measures.

Laura Barca: Ok.

Comment #17: More information must be submitted to show that all construction (the positioning of the drill rig, boring installation, etc.) will be able to take place solely on the Bozzone property, unless temporary construction easements are put into place with the neighbors.

Mr. Astorino: I don't think you are going to get the temporary easements with the neighbors. My only issue is getting the drilling rig down there. I know you have the right to go down log drive. When you go out there to do the balloon test, I know you would have a camera. Take pictures of Lodge Drive from the top to the path of this drill rig. I am sure that this issue would come up. We want to make sure this road is left in the same condition as it is now.

Mrs. Bozzone: Do you see how bad the road is now?

Mr. Astorino: I know it is not perfect. But, you need to know the photos from before and then after it is done. Because if there is an issue with the road by having the drill rig come down and rips up 80 feet of the road for example, then it becomes your problem. That is why we take photos.

Emanuel Posluszny: There would be two things that would be put in place. First, we are going to use a small rig.

Mr. Astorino: Ok. I am sure it would be in order for it to get down there.

Emanuel Posluszny: Yes. We would ask for insurances. We would make sure they would take pictures before they start.

Mr. Astorino: There might be a requirement. It would be up to the Board. This has been done before in the past. There might need to be a bond put in place.

Mrs. Bozzone: Not a bond. We had done this driveway before awhile back. Look at what they had done. They didn't put in a bond. When they had done the septic tank, they didn't get a bond. They had big machines.

Emanuel Posluszny: The bond would be on the contractor.

Mrs. Bozzone: Oh. Yes.

Mr. Astorino: When your septic was done, you got a permit for that. You didn't come before the Planning Board. Once you come before this Board, then it becomes a different avenue.

Mrs. Bozzone: Ok. That is my problem.

Emanuel Posluszny: It will be on the contractor.

Mrs. Bozzone: It doesn't matter.

Mr. McConnell: No. If this Board decides that a bond needs to be put in place, it would be the applicant's responsibility. You would need an indemnification from the contractor.

Emanuel Posluszny: Yes. We will get it from the contractor.

Mr. Astorino: We are just throwing out the worst-case-scenario. We just want to be prepared.

Comment #18: There must be confirmation that the neighbor's fence will not be damaged (or will be restored if it is damaged.)

Mr. Astorino: If you are not working within there, I would assume you shouldn't even be touching that fence. You would be working on your property. The neighbor's fence is on their property.

Mr. Bollenbach: That would be a civil matter.

Mr. Astorino: Exactly. I would strike that comment. Because honestly, you hired your contractor to work on your property. You would not be working on the neighbor's property.

Mrs. Bozzone: I could see that point, but also if that fence wasn't in the R.O.W., it would have been easy. But having that fence on the R.O.W., it has become a problem. That is why that fence should have come down. It is a R.O.W. I addressed that with Mr. Michael Sweeton.

Mr. Astorino: That is a civil matter. I don't think the Town would get involved in that.

Mrs. Bozzone: According to Michael Sweeton, I would have to take him to court to press charges.

Mr. Astorino: That is a whole separate matter.

Mrs. Bozzone: No. I understand. You told me.

Mr. Astorino: No. That is saying that the drill rig if it extends out coming down the driveway, you don't want it to go down someone else's driveway. Just make sure you stay with everything on the Bozzone's property.

Emanuel Posluszny: Yes. We are going to be restricted. It is small. We have to be careful that the wall doesn't fall on our tail.

Mr. Astorino: I understand.

Mrs. Bozzone: That wall won't fall.

Comment #19: The Applicant should clarify that snow load was included in the calculations.

Emanuel Posluszny: Ok. I will verify that.

Comment #20: The Applicant should clarify if the structure is an open structure (meaning no closed-in walls).

Mr. Astorino: It is not closed-in walls. Is that correct?

Emanuel Posluszny: Right.

Comment #21: The Applicant should clarify how snow removal will take place and where snow accumulations will be stored.

Emanuel Posluszny: Ok.

Mr. Astorino: I guess you would not be able to plow snow straight down. Is that correct? I guess you could.

Mrs. Bozzone: I have a deck there.

Laura Barca: Would you be able to get a plow truck there?

Mrs. Bozzone: No. We shovel.

Laura Barca: I don't think you could do it with a truck.

Emanuel Posluszny: Maybe it could be done with a snow blower.

Laura Barca: You could do that with a snow blower.

Mr. Astorino: Let's clarify that with a note on the plan.

Emanuel Posluszny: Ok. We will put snow removal to be done with either shoveling or with a snow blower.

Mr. Astorino: Ok.

Comment #22: Parking lot ramp and deck are designed for the passenger cars only, not for the trucks and buses. Drawing should clearly indicate that heavy vehicles are prohibited using the structure. Signage in the field may be necessary to prevent unknowing large trucks from trying to use the ramp.

Emanuel Posluszny: Yes. I sent that to the structural engineer.

Mr. Astorino: What about a UPS truck?

Mrs. Bozzone: No. They don't come to us. We have to go and pick it up.

Laura Barca: First of all, it is only 8 feet wide.

Mr. Astorino: Ok. So it would be for passenger cars only. Maybe we should change this note to say add a sign passenger cars only. I don't think any Fed Ex trucks would go down Lodge Drive.

Mrs. Bozzone: No.

Mr. Astorino: Do any oil trucks go down Lodge Drive?

Mrs. Bozzone: No. The truck stays on top. They use a long hose for the oil. They carry it down.

Mr. Astorino: Ok.

Comment #23: The 3000 lb. concentrated design load shall be with note #16 on S – 1 drawing as well as the uniform distributed load. (2010 NYS building code, table 1607.1, note a.)

Mr. Astorino: Is that only at 3000 lb?

Emanuel Posluszny: I don't know. I sent that to the structural engineer. I would have to look at what he had said.

Laura Barca: Ok.

Mr. Astorino: That sounds to be very light. A normal car weighs around 3500 pounds. Let's find that out.

Laura Barca: I don't know. This comes from my structural engineer. Maybe concentrated load means something different.

Mr. Astorino: Let's find out in terms that we would understand. For instance, if you put on there a Ford Explorer or a Chevy Impala, would that load hold it?

Emanuel Posluszny: Yes. That concentrated load probably has to do with point loads.

Mr. Astorino: Please check that out. We need a note.

Emanuel Posluszny: Ok.

Comment #24: Drill shaft reinforcement depth and dimensions should be shown on "TYPICAL DRILLED PIER DETAIL" in S – 2.

Emanuel Posluszny: Ok.

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

Comment #25: Vehicle barrier system should be shown on drawings. If the guardrail and post are designed for 6000 lb. horizontal vehicular load (2010 NYS building code, 1607.7.3), this later load should be indicated on the drawing S – 3.

Mr. Astorino: The driveway now is at a 33% grade. Is it going to be 10%± grade? Ted, is that what we are looking at?

Mr. Fink: Yes.

Mr. Astorino: Ok. What we are talking about here is that you would need something to stop a car from going off the cantilever.

Laura Barca: Right.

Mr. Astorino: Ok. I am just trying to understand all of the technical stuff. Let's just make sure we all understand what we are talking about here.

Comment #26: All projects within 100-ft of Greenwood Lake must submit a full-size plan and cover letter to the Greenwood Lake Commission.

Connie Sardo: That was done.

Comment #27: According to §150-4, over 0.25-acre is not allowed to be cleared without a permit from the building department citing any planning board requirements. Applicant to verify area of disturbance.

Mr. Astorino: We are not clearing more than 0.25-acre. We could strike Comment #27.

Comment #28: The colors, including reflectivity, must be shown on the plan.

Mr. Astorino: Also, bring us some samples of different colors and textures. They would have to be earth tone colors. You don't want to have shiny stuff.

Emanuel Posluszny: Ok.

Comment #29: Applicant to verify conformance with the Town's lighting code.

Emanuel Posluszny: Yes.

Mr. Astorino: I know we talked about LED lighting. They would have to be down lighting and shielded. That would have to be done especially by the neighbors.

Emanuel Posluszny: Ok.

Comment #30: Applicant to verify conformance with the Town's signage code, as applicable.

Mr. Astorino: That is for what?

Laura Barca: A sign that says the weight limit or something of the bridge.

Mr. Bollenbach: Cautionary signs are exempt.

Mr. Astorino: We could strike comment #30. That doesn't apply here.

Comment #31: Provide a map note stating that, "No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained."

Mr. Astorino: What that means is when this Board gives you a conditional approval, you would have to meet all of those conditions then get the maps signed. Then, you can go for a Building Permit. The work can't start until all of this is done first.

Emanuel Posluszny: Ok.

Comment #32: Surveyor to certify that iron rods have been set at all property corners.

Mr. Astorino: I had seen lots of rods out there.

Emanuel Posluszny: He said that he did not put one in one corner. He said he would go back and put it in.

Mr. Astorino: Ok.

Comment #33: Payment of all fees.

Emanuel Posluszny: Ok.

Mr. Astorino: Do any Board Members or Professionals have any comments or concerns? Could we have a motion to set this application for a public hearing?

Mr. McConnell makes a motion to set the Marie & Guiseppe Bozzone #2 application for a Public Hearing at the next available agenda.

Seconded by Miss. Little. Motion carried; 4-Ayes.

Mr. Astorino: What that means, once you get these conditions met, the next meeting would be the public hearing. You will have the Planner and our Engineer go out and witness the line of sight.

Mr. Bollenbach: In between that, there may be a need for a ZBA variance.

Mr. Astorino: Check on that. We will let you know.

Mr. Bollenbach: If they do need a variance, it could run together.

Emanuel Posluszny: Ok.

Mr. Bollenbach: If you decide that you do need the variance, the Planning Board could make a recommendation to the ZBA. The Planning Board could give a recommendation now if they wish.

Mr. Astorino: That would be up to the Board. In my opinion, let the ZBA make the decision. We could discuss this at a Work Session. Let us find out first even if we need a ZBA variance. It is a little premature for that right now.

Emanuel Posluszny: Ok.

Mr. Astorino: I have a question on how they would do that. If they put in these posts, which they would be the nearest thing to any property line, the deck is going to be up here and the posts are going to be up here. If you set these posts in at whatever is required if it is 5 feet at each side, you have met the setback. Is that correct?

Mr. McConnell: No. The property line extends up.

Mr. Astorino: Ok. So, it would be wherever the deck falls.

Mr. McConnell: Yes.

Mr. Astorino: Ok.

Mr. Bollenbach: There are also exceptions from the Bulk Requirements for decks, patios, and different structures. I will review that.

Mr. Astorino: Ok.

Mr. McConnell: Ben, when do we address whether we have an issue with the bedrock?

Mr. Astorino: We would address that now.

Laura Barca: We would address that before the public hearing.

Mr. Astorino: Laura is going to look into that on whether the bedrock would be suitable to hold that. Your structural people would have to do that.

Laura Barca: Yes.

Mr. Bollenbach: Would they be doing any borings prior to? How do you determine what is there if you don't do the boring testing in advance?

Laura Barca: Right.

Ms. Little: Would the Emergency Services have a hard time accessing the house?

Mr. Astorino: They are not going to be able to get on the ramp.

Mrs. Bozzone: That is why we could go to the right. It is a R.O.W. on the right. No, when you go down on the left, it is the R.O.W. On the right, that is the guy that has the fence.

Ms. Little: A truck can't get down there anyway.

Mr. Bollenbach: Have letters been sent to the Emergency Services?

Connie Sardo: I did send an email to the Emergency Services.

Mr. Bollenbach: Ok. Let's see what their response would be.

Mr. Astorino: Honestly, you are not going to get a full size fire truck down there now.

Connie Sardo: Emanuel, you need to send a set of plans and a letter to the Greenwood Lake Fire, Ambulance, and Police. I sent them an email. They never got back to me. There is a standard letter in the application packet that you would use when you send out a set of plans to them. Give me a copy of the letters that you sent out. Give me a call at the office tomorrow.

Emanuel Posluszny: Ok.

Mr. Astorino: Check with your structural people on whether they would require borings. That is just a guy that comes out and drills a hole and tells you that you have bedrock at so many feet. We had done that on the Manzolino project. They had done the same thing. They would tell you that you would have to go down so many feet in order to hit solid bedrock. This would have to be done first before we could give any approval. Do a boring test. Get us the results. Give it to Laura. You are set for a public hearing.

Emanuel Posluszny: Ok. Thank you.

Other Considerations:

1. **Wheeler Road Estates Subdivision** – Letter from Anthony Trochiano, Pietrzak & Pfau, dated 4/8/13 addressed to the Planning Board in regards to the Wheeler Road Estates Subdivision – requesting a 15th 6-Month Extension on Preliminary Approval of a proposed 31-Lot Cluster 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 with Dussenbury Drive, in the SL zone. Preliminary Approval was granted on, 11/2/05. *The Applicant has stated that they are currently Re-delineating the Federal Wetlands.* The 15th 6-Month Extension becomes effective on, 5/2/13.

Mr. Ruskiewicz makes a motion on the Wheeler Road Estates Subdivision, granting a 15th 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 15th 6-Month Extension becomes effective on, 5/2/13.

Seconded by Mr. McConnell. Motion carried; 4-Ayes.

2. **Round Hill Subdivision** – Letter from Steven Spiegel, Attorney, dated 4/5/13 addressed to the Planning Board in regards to the Round Hill Subdivision – requesting a 6-Month Extension on the 6th Re-Approval of Final Approval of a proposed 19-Lot + 1 Ag Lot Cluster subdivision, situated on tax parcel SBL #7-2-51.1; parcel located along the northerly side of Wheeler Road between Meadow Road and Hunt Drive, in the RU zone. Conditional Final Approval was granted on, 10/18/06. The 6th Re-Approval of Final Approval was granted on 10/17/12 became effective on, 10/18/12. *The Applicant has stated that the extension is needed because of the condition for final approval requiring construction of roads and significant infrastructure, which the real estate market and financial conditions do not permit at this time.* The 6-Month Extension on the 6th Re-Approval of Final Approval becomes effective on, 4/18/13.

Mr. McConnell makes a motion on the Round Hill Subdivision, granting a 6-Month Extension on the 6th Re-Approval of Final Approval of a proposed 19-Lot + 1-Ag Lot cluster subdivision, situated on tax parcel SBL # 7-2-51.1. Conditional Final Approval was granted on, 10/18/06. The 5th Re-Approval of Final Approval was granted on, 10/17/12 became effective on, 10/18/12.

The 6-Month Extension on the 6th Re-Approval of Final Approval becomes effective on, 4/18/13.

Seconded by Ms. Little. Motion carried; 4-Ayes.

3. **Lands of Schreibeis – Rea Lot Line Change** - Letter from Kirk Rother, P.E., dated 4/4/13 addressed to the Planning Board in regards to the Schreibeis-Rea Lot Line Change – requesting a 6-Month Extension on Final Approval of a proposed Lot Line Change, situated on tax parcels SBL # 89-2-5, 6, & 7; parcels located on the northern side of Wheeler Road at the intersection of Hunt Drive, in the SL zone. Conditional Final Approval was granted on, 8/15/12. *The Applicant has stated that they are currently in the process of satisfying the conditions of the approval.* The 6-Month Extension becomes effective on, 2/15/13.

Mr. McConnell: Do we know what the conditions might have been on that? For a lot line change, it seems odd.

Connie Sardo: There are declarations to review.

Mr. McConnell: John, could you please comment on that?

Mr. Bollenbach: They had to file declarations. They also had to file the deeds for the lot line change. There was a little hiatus in their perseverance in moving this along. They are back on track now.

Mr. McConnell: Have you seen the deeds and declarations?

Mr. Bollenbach: Yes. The Recording Form just got signed today.

Mr. McConnell: Ok. I was just a little puzzled because with a lot line change we normally don't see a request for Re-Approvals and Extensions.

Mr. McConnell makes a motion on the Lands of Schreibeis-Rea Lot Line Change, granting a 6-Month Extension on Final Approval of a proposed Lot Line Change. SBL # 89-2-5,6, & 7. Conditional Final Approval was granted on, 8/15/12.

The 6-Month Extension becomes effective on, 2/15/13.

Seconded by Mr. Ruszkiewicz. Motion carried; 4-Ayes.

4. **Warwick Isle Subdivision** – Letter from Kirk Rother, P.E., dated 4/4/13 addressed to the Planning Board in regards to the Warwick Isle Subdivision – requesting **2nd Re-Approval** of Final Approval for Section I to consist of a 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. Conditional Final Approval for Section 1 was granted on, 4/6/11. *The Applicant has stated that they are currently in the process of satisfying the conditions of approval and securing Board of Health approval for the Sectionalized Plan.* The 2nd Re-Approval of Final Approval for Section I becomes effective on, 4/6/13, subject to the conditions of final approval granted on, 4/6/11.

Laura Barca: Ben, I recall that you and I were supposed to go out there because an adjacent landowner was having some problems out there.

Mr. Astorino: Yes. We have never done that?

Laura Barca: We haven't done that yet.

Mr. Astorino: You are right. We should probably pull out those plans. If I recall, there was something about drainage.

Mr. Bollenbach: I think there was some drainage that was supposed to be put in place in Section I to benefit Chip Lane.

Mr. Astorino: That was a good call. I forgot about that. Let's take a ride one day and check that out.

Laura Barca: Ok.

Mr. Ruskiewicz: Ben, let me know when you go out there.

Mr. Astorino: Ok.

Ms. Little makes a motion on the Warwick Isle Subdivision, granting **2nd 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 2nd Re-Approval of Final Approval for Section I becomes effective on, 4/6/13, subject to the conditions of final approval granted on 4/6/11.

Seconded by Mr. Ruskiewicz. Motion carried; 4-Ayes.

5. **Luft Subdivision** – Letter from Kirk Rother, P.E., dated 4/1/13 addressed to the Planning Board in regards to the Luft Subdivision – requesting **5th Re-Approval** of Final Approval of a proposed 22-Lot Cluster subdivision + 2-Affordable Homes and Special Use Permit for the Affordable Homes, 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. Conditional Final Approval was granted on, 4/16/08. *The Applicant has stated that they are proposing to file the map in sections. They are currently in the process of securing OCHD approval for Section I.* The 5th Re-Approval of Final Approval becomes effective on, 4/16/13, subject to the conditions of final approval granted on 4/16/08.

Mr. Ruskiewicz makes a motion on the Luft Subdivision, granting “**5TH 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 5TH Re-Approval of Final Approval becomes effective on, 4/16/13, subject to the conditions of Final Approval granted on, 4/16/08.

Seconded by Ms. Little. Motion carried; 4-Ayes.

6. Planning Board Minutes of 4/3/13 for Planning Board Approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 4/3/13.

Seconded by Mr. Ruskiewicz. Motion carried; 4-Ayes.

7. Planning Board to discuss canceling the 5/27/13 Work Session & 6/5/13 Planning Board Meeting due to the Memorial Day Holiday.

Mr. McConnell makes a motion to cancel the 5/27/13 Work Session & 6/5/13 Planning Board Meeting.

Seconded by Ms. Little. Motion carried; 4-Ayes.

Correspondences:

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

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

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

Mr. McConnell makes a motion to adjourn the May 15, 2013 Planning Board Meeting.

Seconded by Mr. Ruskiewicz. Motion carried; 4-Ayes.