

TOWN OF WARWICK PLANNING BOARD

May 16, 2012

Members present: Chairman, Benjamin Astorino
Dennis McConnell, Beau Kennedy,
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 16, 2012 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 Church Communities, NY., Inc.

Application for Site Plan Approval for a Timber Harvest Permit of a Non-Commercial Forest stand improvements, entitled as Bellvale Community Forest, situated on tax parcels S 47 B 1 L 2.2 & 100; project located on the eastern side of Bellvale Lakes Road 200 feet north of Rabbitt Hill Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York. Continued Public Hearing from the April 18, 2012 Planning Board meeting.

Representing the applicant: John Burleson and Dave Mercer, applicants.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments – 04/04/12; Applicant should take great care with erosion control measures; overall plan and anticipated schedule
4. Architectural Review Board comments – pending
5. OC Planning Department – 03/08/12; advisory comment about potential Indiana Bat habitat; advise town that tree clearing should occur between October 1st and March 30th.
6. The Applicant has agreed to take appropriate stabilization measures, per Planning Board Engineer, if a major storm event is expected in the project area and there is disturbed soil that has not been stabilized.
7. The proposed landing areas and haul roads will be disturbing more than 0.25 acre; Applicant must obtain a building department permit in accordance with §150-4.
8. Town Board requested that the Building Department make periodic inspection of the area to ensure compliance with the approved plan.
9. Establish an inspection schedule and escrow account for Planning Board Engineer to conduct inspections at the site during times of active harvest, at the discretion of the Planning Board Engineer.
10. Payment of all fees.

The following comment submitted by the Conservation Board, dated 5/16/12:

Church Communities, NY., Inc. - The CB repeats its prior comments (4/4/12). The recent rains serve as a timely reminder that timber harvesting must be done very carefully to avoid enhancing erosion in both the harvest and access road areas. The CB urges that the greatest erosion controls and appropriate monitoring be required in this area.

The following comment submitted by the ARB:

Church Communities, NY., Inc. – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This application is subject to SEQRA. The applicant has provided all of the documentation that we had requested. I have issued a Draft Negative Declaration for the Board's consideration.

Comment #2: Applicant to discuss project.

Mr. Astorino: Do you have anything further? We have heard about this project. We all know what the project is. Is that correct?

Dave Mercer: Yes.

John Burlison: Yes.

Mr. McConnell: Just refer it for the record.

Mr. Astorino: Yes.

Comment #3: Conservation Board comments – 04/04/12; Applicant should take great care with erosion control measures; overall plan and anticipated schedule.

Mr. Astorino: We also have that comment in the Planning Board's comments.

Comment #4: Architectural Review Board comments – pending

Comment #5: OC Planning Department – 03/08/12; advisory comment about potential Indiana Bat habitat; advise town that tree clearing should occur between October 1st and March 30th.

Mr. Astorino: That was for the Indiana Bats. Ted and Laura, do we have that in our notes?

Mr. Fink: Yes. We do.

Mr. McConnell: Is it not all trees?

Mr. Astorino: It is specific trees that provide Indiana Bat habitat.

Mr. McConnell: Ok. I wasn't clear on that the last time.

Dave Mercer: It is the Shag Bark Hickory trees.

Mr. Bollenbach: Do we want to keep comment #5?

Mr. Astorino: We could keep it as a place keeper.

Mr. Bollenbach: Ok.

Comment #6: The Applicant has agreed to take appropriate stabilization measures, per Planning Board Engineer, if a major storm event is expected in the project area and there is disturbed soil that has not been stabilized.

John Burleson: Yes.

Comment #7: The proposed landing areas and haul roads will be disturbing more than 0.25 acre; Applicant must obtain a building department permit in accordance with §150-4.

John Burleson: Yes.

Laura Barca: It should actually say the proposed wildlife clearing opening.

Comment #8: Town Board requested that the Building Department make periodic inspection of the area to ensure compliance with the approved plan.

Mr. Astorino: We have a Memo from Supervisor Sweeton and the Town Board, dated 5/10/12: The Memo is stated as follows: *The Town Board has discussed the proposed long term forest management plan approved by the NYSDEC for the forestry stewardship and non-commercial timber harvest of the subject property. As long as this project remains within the scope as outlined in their application, the Town Board agrees to waive the reclamation bond and the requirement of weekly reports. We would ask that the Building Department make periodic inspections of the area to ensure compliance with the approved plan.* I don't see an issue here. Laura, I have one question for you. After a storm event or something of that nature, you as our Engineer could go and check it out.

Laura Barca: That is stated in comment #9. It states to establish an inspection schedule and escrow account for the Planning Board Engineer to conduct inspections at the site during times of active harvest, at the discretion of the Planning Board Engineer.

Mr. Astorino: Ok. Good.

Comment #9: Establish an inspection schedule and escrow account for Planning Board Engineer to conduct inspections at the site during times of active harvest, at the discretion of the Planning Board Engineer.

Mr. Astorino: Ok. We just discussed that. We have that.

Comment #10: Payment of all fees.

John Burleson: Ok.

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

Mr. McConnell: Mr. Chairman, I have a question on comment #6. It states in there disturbed soil that has not been stabilized. Is stabilized determined that it is understood by all parties as to what?

Mr. Astorino: In my eyes that should be something seeded and erosion control measures should be in place.

Mr. McConnell: It should be something more than just simply seeded.

Laura Barca: The DEC has a definition.

Mr. McConnell: Ok. Could we put that as per DEC regulations? Mr. Chairman, my point is if you have an area that has been cleared and seeded, to me that would not yet be stabilized.

Mr. Astorino: You are right. Maybe, we want to put that to the Planning Board Engineer's specifications.

Mr. Bollenbach: We could put it as per the DEC regulations.

Mr. McConnell: Yes. I just wanted to make sure that everyone was on the same page as to what stabilized means.

Mr. Bollenbach: Yes.

Mr. Astorino: Yes. That makes sense. Does the Board or Professionals have anything further? Before we open the public hearing, I just wanted to state that we received a letter from Randolph DeMercado, dated 5/9/12 addressed to the Planning Board. We have that letter for the record. Also, we have an email from the DEC, dated 5/16/12 addressed to David Mercer the applicant.. It was a site visit conducted with the DEC as we had told a resident. We went out to the site. This is a follow up from that site visit. The email is stated as follows: *"As a follow up to our discussion, the Bellvale Community has followed many of the recommendations in the Forest Stewardship Plan written for the property by DEC forester Mike Callan. In addition, Mike was part of an educational field trip to the property to view some of the BMP work in the field, with the Town Board. Also, as you are aware, DEC recently sent an Environmental Conservation Officer to your property to look at any contravention of NYS Water Quality Standards, and we found none."* Essentially, we went out with the DEC to the site. They were absolutely fine with everything that is going on out there. At the work session, we discussed that they met all of the requirements. They have gone over and beyond. There seems to be no issue at this time. This is a public hearing. If there is anyone in the

audience wishing to address the Bellvale Community Timber Harvest, please rise and state your name for the record. Let the record show no public comment.

Ms. Little makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: Bellvale Community Timber Harvest

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed 60 acre timber harvest, 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 29, 2012, 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.

Mr. McConnell makes a motion to close the Public Hearing.

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

Mr. Ruskiewicz makes a motion on the Church Communities, NY, Inc., application, Site Plan Approval for a Timber Harvest Permit of a Non-Commercial Forest stand improvements, entitled as Bellvale Community Forest, situated on tax parcels S 47 B 1 L 2.2 and 100; project located on the eastern side of Bellvale Lakes Road 200 feet north of Rabbitt Hill Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on May 16, 2012. Approval is granted subject to the following conditions:

1. OC Planning Department – 03/08/12; advisory comment about potential Indiana Bat habitat; advise town that tree clearing should occur between October 1st and March 30th.
2. The Applicant has agreed to take appropriate stabilization measures, per Planning Board Engineer, if a major storm event is expected in the project area and there is disturbed soil that has not been stabilized as per DEC Regulations.
3. The proposed wildlife opening areas and haul roads will be disturbing more than 0.25 acre; Applicant must obtain a building department permit in accordance with §150-4.
4. Town Board requested that the Building Department make periodic inspection of the area to ensure compliance with the approved plan as per letter dated, 5/10/12.
5. Establish an inspection schedule and escrow account for Planning Board Engineer to conduct inspections at the site during times of active harvest, at the discretion of the Planning Board Engineer.
6. Payment of all fees.

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

Dave Mercer: Thank you.

John Burleson: Thank you.

PUBLIC HEARING OF Fairwick, LLC.

Application for “*Amended*” Site Plan Approval and Special Use Permit for the construction and use of commercial/retail facilities on Building #2 and Building #3 (Fairgrounds #2), situated on tax parcel S 51 B 1 L 40.12; project located on the northern side of State Rte. 94S approximately 1000 feet east of O.C. Route 21 near the Price Chopper facility, in the CB/OI zones, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Dave Getz, Lehman & Getz Engineering. Adrian Goddard, Applicant. Lou Allevato, Architect.

Connie Sardo: Do you have the certified mailings for the Fairwick public hearing?

Dave Getz: I am sorry. I forget them at the office. I will drop them off to you tomorrow morning.

Connie Sardo: Ok. That would be fine.

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 – see comments dated 03/13/12; 04/05/12; 05/01/12
5. OC Planning Department – 03/08/12; two advisory comments: night sky lighting & infrastructure capacity
6. The plan set should be updated to include the new tax id for the Fairgrounds parcels (Fairgrounds 2 is 51-1-40.12).
7. The list of property owners within 300-ft should be updated.
8. Applicant should submit a 911 address form to the Building Department; these addresses must be shown on the drawing.
9. A note should be added to the plans stating that required improvements to the wastewater treatment facility must be fully installed and fully operational prior to a Certificate of Occupancy for either Buildings 2 or 3 (Fairgrounds 2 site plan, signed by Chairman 05/18/11, Sheet 1, Note 18).
10. All proposed signage for Mavis Tire shall be included in this Amended Site Plan application; this includes all building signage.
11. The signs are currently proposed do not comply with §164-43.1.H(6)(a): not more than one sign shall be permitted per establishment. The two signs (23.5-sf and 18-sf sum to 41.5-sf).
12. The signs for Building 2 do not comply with §164-43.1.H(6)(b): 1-sf per LF of building front’s length with maximum of 40-sf (143-lf = 143-sf of signage for Building 2); 41.5-sf per establishment or 249-sf total is currently proposed.
13. The architectural plans, last revised April 25, 2012, indicate that the signs will be internally illuminated; signs are not allowed to be internally illuminated.

14. Sheet 1, Notes 10 and 18 shall be replaced with Sheet 1, Note 9 from the approved plan set for Fairgrounds 2 (last revised May 05, 2011)
15. Sheet 1, Notes 17 and 18 from the approval plan set for Fairgrounds 2 (last revised May 05, 2011) shall be added to Sheet 1 of this Amended Site Plan.
16. Sheet 1, Note 19 shall be revised to state that the bay doors will remain closed unless a car is entered or leaving that bay.
17. Plans should state where the wheel alignment bay(s) will be located.
18. The limits of disturbance line and area must be adjusted now that the location of Building 3 has moved.
19. The Applicant should clarify where the trucks carrying the tires will be loading and unloading these materials.
20. The method of heating and cooling the buildings should be shown on the site plan or a note stating that all mechanical equipment will be located on the roof and not visible.
21. Estimates of noise generation should be determined for Buildings 2 and 3 (Long EAF (04/25/12) states NA).
22. Any required loading dock areas or caged areas (for deliveries made before or after normal business hours) for the proposed uses should be shown on the plans, including truck turning movements.
23. There are notes relating to Environmental Monitoring, Animal Barriers, and Pavement Vacuuming. The Applicant shall identify the entity responsible for these activities and a status report shall be submitted.
24. The proposed retail usage must comply with §164-46.J(139); a note must be added to the plan.
25. It should be clarified (Sheet 2, Parking Calculations) that the reserve parking spaces on 51-1-40.22 are being developed as part of this proposal.
26. The Parking Space Calculations (Sheet 2) do not show the number of required and provided handicapped spaces.
27. Applicant to clarify if Sheet 3, Note 6 (screening proposed to obscure any new parking areas) has been satisfied.
28. Sheets 4&5 should state that Chase Bank is now existing.
29. A legend or additional call outs should be made for existing curbs, proposed curbs.
30. The fire suppression water needs required for Buildings 2 and 3 shall be shown on the plan. The Applicant should show that the existing system has the capacity to service these needs.
31. The Applicant should clarify if there are wall-mounted lighting fixtures proposed above the four bay doors at Building 3; area may not be bright enough. The Architectural plans indicate that wall-mounted lights are located between the bay doors; Applicant to clarify that all lighting fixtures have been included in the lighting plan.
32. Sheet 8, Building-Mounted Lights: this note should be modified to state that all fixtures shall be fully shielded.
33. The Landscaping Plan does not show the existing transformer location adjacent to Building 2; perhaps some additional screening could be located to screen it.
34. The Landscaping Plan does not show the electric panel box on the side of Building 2 near the transformer pad.
35. The Landscaping Plan does not show the proposed doorway on Building 2 that is facing Chase Bank.
36. Applicant to confirm that the overall site lighting of Fairgrounds 2 complies with the requirement to reduce the site lighting by 20%.
37. The estimated water supply and wastewater flows for Fairgrounds #2 are now estimated to be greater than those flows submitted to the Town Board at the time of the creation of the Fairgrounds Water District. Applicant to clarify difference and show that there will

be flow available for future users in the district. Long form EAF (04/25/12) states increase in potential sewerage use.

38. Applicant to revise drawings so each drawing reads Sheet x of 10.
39. A transformer location that complies with all of O&R citing requirements shall be added to the plan and submitted to Orange and Rockland.
40. As a conditional of final site plan approval for Fairgrounds #2, a three-ring binder with all color, texture, roofing samples, etc. shall be submitted and retained with the Building Department after final approval is granted.
41. Surveyor to certify that iron rods have been set at all property corners.
42. Payment of all fees.
43. Payment of all bonds (landscaping, performance, construction trailer removal bond, construction inspection fees for landscaping and performance, and traffic mitigation fees).

The following comment submitted by the Conservation Board, dated 5/16/12:

Fairwick, LLC. - The CB recommends the PB pay special attention to the water/waste flows given the size of the increase vs. the original estimates for the water district. The CB is particularly concerned about the discharge volume and the potential need for a future expansion of the district.

The following comment submitted by the ARB:

Fairwick, LLC. – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This is an application that has gone through a full environmental procedure. The Planning Board originally adopted a Findings Statement back in the year 2006. There were a couple of modifications that were made to the Findings Statement. Then an Amended Findings Statement was done and adopted by the Planning Board about a year ago in April. I looked over the Amended Findings Statement to see if there were any changes in the project that would cause a potential adverse impact. If there were changes in circumstances or significant project change, then that would potentially trigger the need for amending the Findings Statement again. If you go back and look at what the amended Findings that was adopted back in April 2011, you would see that the difference was very small. I calculated it to be somewhere around 940 square feet in the difference between the two. To be able to compare the impacts in an objective way, we asked the applicant to provide us with a Full EAF to show us what the changes are. There was also a traffic study that was updated by John Collins. HDR reviewed that. They had some comments on it. They had responded to those comments. I believe at this point HDR is satisfied with the responses to that.

Laura Barca: Yes.

Mr. Fink: I believe the traffic impact changes were de minimus.

Laura Barca: Right.

Comment #2: Applicant to discuss project.

Dave Getz: Since our last appearance, we had made a few minor modifications. We added a few additional details on lighting and landscaping. It is very similar to what you have been reviewing the past few months.

Comment #3: Conservation Board comments – pending

Mr. Astorino: We have a comment from the Conservation Board, dated 5/16/12. The CB comment is stated as follows: *“The CB recommends the PB pay special attention to the water/waste flows given the size of the increase vs. the original estimates for the water district. The CB is particularly concerned about the discharge volume and the potential need for a future expansion of the district.”* I believe this is an issue that has been worked out. I believe that is an issue that has been worked out. I believe we are at 8,000 gallons maxed per day. If they wish to increase their volume, they would need to go to the Town Board. Is that correct?

Laura Barca: Yes.

Mr. Astorino: A note that effect will be placed on the plans.

Laura Barca: Yes.

Mr. Astorino: Ok.

Dave Getz: Is that both for water and wastewater?

Laura Barca: This is for wastewater.

Dave Getz: Ok.

Comment #4: Architectural Review Board comments – see comments dated 03/13/12; 04/05/12; 05/01/12

Comment #5: OC Planning Department – 03/08/12; two advisory comments: night sky lighting & infrastructure capacity.

Mr. Astorino: We handled the infrastructure. The lighting is in the Code. That is not an issue.

Comment #6: The plan set should be updated to include the new tax id for the Fairgrounds parcels (Fairgrounds 2 is 51-1-40.12).

Dave Getz: Ok.

Comment #7: The list of property owners within 300-ft should be updated.

Dave Getz: Yes.

Comment #8: Applicant should submit a 911 address form to the Building Department; these addresses must be shown on the drawing.

Connie Sardo: That has been done.

Comment #9: A note should be added to the plans stating that required improvements to the wastewater treatment facility must be fully installed and fully operational prior to a Certificate of Occupancy for either Buildings 2 or 3 (Fairgrounds 2 site plan, signed by Chairman 05/18/11, Sheet 1, Note 18).

Dave Getz: Ok.

Adrian Goddard: Ok.

Comment #10: All proposed signage for Mavis Tire shall be included in this Amended Site Plan application; this includes all building signage.

Adrian Goddard: Ok.

Comment #11: The signs are currently proposed do not comply with §164-43.1.H(6)(a): not more than one sign shall be permitted per establishment. The two signs (23.5-sf and 18-sf sum to 41.5-sf).

Mr. Astorino: Laura, what building is this?

Laura Barca: That is for building #2. They really have 2 sides. The way that the Town Code currently reads, it says one sign per establishment. The Town Board is potentially revising that Code. What they propose is along the lines of where we think the Town Board is going to go with this.

Mr. Bollenbach: If the Town Board revises the Code, then they could have the additional signage.

Mr. Astorino: As of right now, they would have to comply with the Code. If that changes, then your signs could change.

Mr. Bollenbach: We could add a map note.

Mr. Astorino: Yes. We could add a map note to that effect. It wouldn't make sense for them having to come back just for the signage. It might even be done before you build the building. Let's put a map note to that effect.

Laura Barca: Ok.

Adrian Goddard: How would we go about that? Do we make an application to the Town Board?

Mr. Bollenbach: Yes. It would be a letter to Supervisor Sweeton making a recommendation to the Town Board. I would reference Chase Bank. At that point and time, it became obvious that Chase Bank had two principal facades. It was the reasonable

thing to do. The Town Board had realized that. They did agree with it. It would be a good time to submit to the Town Board.

Adrian Goddard: Ok.

Comment #12: The signs for Building 2 do not comply with §164-43.1.H(6)(b): 1-sf per LF of building front's length with maximum of 40-sf (143-lf = 143-sf of signage for Building 2); 41.5-sf per establishment or 249-sf total is currently proposed.

Mr. Bollenbach: They could provide a map note.

Comment #13: The architectural plans, last revised April 25, 2012, indicate that the signs will be internally illuminated; signs are not allowed to be internally illuminated.

Mr. Astorino: We talked about that at the Work Session.

Comment #14: Sheet 1, Notes 10 and 18 shall be replaced with Sheet 1, Note 9 from the approved plan set for Fairgrounds 2 (last revised May 05, 2011)

Dave Getz: Ok.

Comment #15: Sheet 1, Notes 17 and 18 from the approval plan set for Fairgrounds 2 (last revised May 05, 2011) shall be added to Sheet 1 of this Amended Site Plan.

Laura Barca: I believe that relates to the marginal access road.

Dave Getz: Ok.

Mr. Bollenbach: Could we check that? Do we have a map here? Let's check to see what that condition relates to. If it relates to the marginal access road, then that might be at the time of construction. What notes were they?

Laura Barca: That is from notes #17 and #18 from the original approved Plans.

Mr. Astorino: Those are the plans from Fairgrounds 1.

Mr. Bollenbach: Ok. It is #10 that needs to be revised.

Comment #16: Sheet 1, Note 19 shall be revised to state that the bay doors will remain closed unless a car is entered or leaving that bay.

Adrian Goddard: Yes.

Mr. Astorino: That is when you would put the sensors on the doors.

Adrian Goddard: Yes.

Mr. Bollenbach: Could we go back to comment #14? It is Note #10. It deals with marginal access on the current proposed plan. Dave, is that correct?

Dave Getz: Yes. On the current plan.

Mr. Bollenbach: What does Note #10 state?

Dave Getz: Note #10 is stated as follow: *“No development of a marginal access road is proposed by the project applicant. The proposed project plan does not include any design for permitting or construction of a future marginal access road. The Irrevocable Off of Dedication for a future marginal access road has been recorded in the Orange County Clerk’s office on 8/21/08 at Liber 12719, Page 436”*.

Mr. Bollenbach: Ok. On comment #14, Note #10 to be revised to the Planning Board Attorney’s specification to indicate that the applicant has agreed to bond the completion of the marginal access road to the property line.

Laura Barca: Dave, you will need to provide a cost estimate for the remainder of what is left to get to the property line.

Dave Getz: Ok.

Comment #17: Plans should state where the wheel alignment bay(s) will be located.

Dave Getz: Ok. Would that be towards the side on what we had agreed upon?

Mr. Astorino: No. With the doors being closed, I don’t think it would be an issue.

Mr. McConnell: I don’t understand that comment.

Mr. Astorino: I agree with you. We could strike comment #17.

Comment #18: The limits of disturbance line and area must be adjusted now that the location of Building 3 has moved.

Dave Getz: Ok.

Comment #19: The Applicant should clarify where the trucks carrying the tires will be loading and unloading these materials.

Dave Getz: Yes. We will label that.

Comment #20: The method of heating and cooling the buildings should be shown on the site plan or a note stating that all mechanical equipment will be located on the roof and not visible.

Laura Barca: We talked about that. It is not written anywhere.

Dave Getz: How about visible on the roof of Building #3, if you climb the hill behind it, it might be visible?

Mr. Astorino: Do it as best as you can to the extent practical.

Mr. Fink: Dave, that is standard from the Visual EAF.

Dave Getz: Ok.

Comment #21: Estimates of noise generation should be determined for Buildings 2 and 3 (Long EAF (04/25/12) states NA).

Laura Barca: I am not sure if this is necessary.

Mr. Fink: When you go back and look at the Findings Statement, the only reference it makes to potential noise is either from truck traffic that would serve the site and from the HVAC equipment. If you could provide those calculations, I would take a look at them to see if they meet the Town's requirement.

Mr. Astorino: It would be the decibel levels from the property line. Is that correct?

Mr. Fink: Correct.

Lou Allevato: These are small units.

Mr. Astorino: Ok. I don't see it being an issue.

Adrian Goddard: Ok.

Comment #22: Any required loading dock areas or caged areas (for deliveries made before or after normal business hours) for the proposed uses should be shown on the plans, including truck turning movements.

Dave Getz: Building #2 has no loading docks or caged area.

Mr. Astorino: You will need to indicate that.

Dave Getz: Ok.

Comment #23: There are notes relating to Environmental Monitoring, Animal Barriers, and Pavement Vacuuming. The Applicant shall identify the entity responsible for these activities and a status report shall be submitted.

Mr. Astorino: Laura, do you have that?

Laura Barca: Yes. We have received a letter from ERS Consultants, dated 5/16/12. It states that they have been doing the monitoring on a weekly basis and during construction, the monitoring is being conducted on a daily basis.

Mr. Astorino: Ok. Give that to Connie. She could give that to the Building Department.

Laura Barca: Ok.

Comment #24: The proposed retail usage must comply with §164-46.J(139); a note must be added to the plan.

Laura Barca: The maximum limitation is 50% of retail.

Mr. Astorino: We need to put a note on the plan.

Laura Barca: Yes.

Comment #25: It should be clarified (Sheet 2, Parking Calculations) that the reserve parking spaces on 51-1-40.22 are being developed as part of this proposal.

Dave Getz: Ok.

Comment #26: The Parking Space Calculations (Sheet 2) do not show the number of required and provided handicapped spaces.

Dave Getz: Ok. We will amend that.

Comment #27: Applicant to clarify if Sheet 3, Note 6 (screening proposed to obscure any new parking areas) has been satisfied.

Laura Barca: On Sheet 3, Note 6 states; *“Upon the completion of construction, screening will be provided to obscure any new parking areas that are highly visible from Route 94.”*

Dave Getz: We provided a landscaping plan. Is that something decided during construction?

Mr. Bollenbach: That is done after construction. That was also for Fairgrounds 1, build it first, then we would take a look to see if there is a need for any supplemental. Is that relevant or has it been fully designed already?

Mr. Fink: They have provided a landscape plan. They are providing many more trees and shrubs than what the Code requires. It is hard to tell until after everything is in place. As far as that requirement is concerned, we did take a look at that when Fairgrounds 1 was done. That was done after that was built to see how well it complied. We made some suggestions at that time.

Mr. Astorino: We will leave the note. If there is an issue, it would probably be in one or two spots if that.

Adrian Goddard: Yes. We don't have a problem with that.

Dave Getz: Ok.

Laura Barca: We will leave that note on the plan.

Mr. Astorino: Yes.

Comment #28: Sheets 4&5 should state that Chase Bank is now existing.

Dave Getz: Ok.

Comment #29: A legend or additional call outs should be made for existing curbs, proposed curbs.

Dave Getz: Ok.

Comment #30: The fire suppression water needs required for Buildings 2 and 3 shall be shown on the plan. The Applicant should show that the existing system has the capacity to service these needs.

Dave Getz: Ok.

Comment #31: The Applicant should clarify if there are wall-mounted lighting fixtures proposed above the four bay doors at Building 3; area may not be bright enough. The Architectural plans indicate that wall-mounted lights are located between the bay doors; Applicant to clarify that all lighting fixtures have been included in the lighting plan.

Dave Getz: Ok.

Comment #32: Sheet 8, Building-Mounted Lights: this note should be modified to state that all fixtures shall be fully shielded.

Dave Getz: Ok.

Comment #33: The Landscaping Plan does not show the existing transformer location adjacent to Building 2; perhaps some additional screening could be located to screen it.

Dave Getz: Ok.

Comment #34: The Landscaping Plan does not show the electric panel box on the side of Building 2 near the transformer pad.

Dave Getz: We will change that.

Comment #35: The Landscaping Plan does not show the proposed doorway on Building 2 that is facing Chase Bank.

Dave Getz: Ok.

Comment #36: Applicant to confirm that the overall site lighting of Fairgrounds 2 complies with the requirement to reduce the site lighting by 20%.

Dave Getz: We have a note that requires that. Is that after construction? It's on Sheet 8.

Laura Barca: Note 8 is on the plans. We could strike that.

Mr. Astorino: Ok. We can strike Comment #36.

Comment #37: The estimated water supply and wastewater flows for Fairgrounds #2 are now estimated to be greater than those flows submitted to the Town Board at the time of the creation of the Fairgrounds Water District. Applicant to clarify difference and show that there will be flow available for future users in the district. Long form EAF (04/25/12) states increase in potential sewerage use.

Mr. Astorino: Laura, we discussed this before.

Mr. Bollenbach: We could put it in here as is. We could add to it, septic usage in excess of 8,000 g.p.d. requires Town Board approval.

Mr. Astorino: Ok.

Comment #38: Applicant to revise drawings so each drawing reads Sheet x of 10.

Dave Getz: Ok.

Comment #39: A transformer location that complies with all of O&R citing requirements shall be added to the plan and submitted to Orange and Rockland.

Dave Getz: We had submitted the plan.

Mr. Astorino: Ok

Comment #40: As a conditional of final site plan approval for Fairgrounds #2, a three-ring binder with all color, texture, roofing samples, etc. shall be submitted and retained with the Building Department after final approval is granted.

Mr. Astorino: We will need to know what color the signs would be. We will need everything submitted.

Lou Allevato: Ok.

Comment #41: Surveyor to certify that iron rods have been set at all property corners.

Dave Getz: It is not a new subdivision.

Mr. Bollenbach: We already have the certifications?

Laura Barca: Was it done after the subdivision? Did they corner off the lots? I don't know.

Mr. Astorino: If you are not sure, we will leave it. We will check that out.

Laura Barca: Ok.

Comment #42: Payment of all fees.

Adrian Goddard: Yes.

Comment #43: Payment of all bonds (landscaping, performance, construction trailer removal bond, construction inspection fees for landscaping and performance, and traffic mitigation fees).

Adrian Goddard: Yes.

Laura Barca: There is one other thing we might want to consider. Because the architectural plans for this application have all of the signage information on it, either that information needs to be put on the site plan or the architectural plans need to be incorporated into the site plan by a note on the plan or something.

Mr. McConnell: Incorporated by reference?

Laura Barca: Yes.

Mr. Astorino: Could we have a separate sheet for the signage showing the size, color, etc...

Lou Allevato: Yes. We do have something that we could make it a part of it.

Laura Barca: Ok.

Mr. Astorino: Ok. Do any Board Members or Professionals have any other comments or concerns?

Mr. Fink: There is something else. The Zoning does call for some bicycle racks and benches. You will need to provide that.

Dave Getz: Ok. How many?

Mr. Bollenbach: Just put that to the Town Planners specifications. That would be Comment #45. Comment #44 would be to provide a map note incorporating architectural review.

Mr. Astorino: Ok. This is a public hearing. If there is anyone in the audience wishing to address the Fairgrounds 2 application, please rise and state your name for the record.

Phyllis Briller: How many new stores will be constructed? What are the average square footages? What kind of stores or facilities will be there? I was wondering if any of them would have cooking facilities.

Lou Allevato: There could be potentially cooking type facilities such as restaurants. The exact number of restaurants are unknown at this point. Right now we are showing tenants surmising 6 spaces. It could end up being 5 spaces or 4 spaces. The typical space size varies. It could be as little as 1200 square feet or as much as 1500 square feet. It would be the size of whatever the zoning allows us. That is for Building #2. Building #3 will be a single user building. It will be one tenant which is Mavis Tires.

Phyllis Briller: Regarding the cooking facilities, I assume you have considered noise and smells. In the Village, there is a seafood facility where the stench is horrible and the garbage man comes and picks up the stuff.

Adrian Goddard: As the Landlord, we will be responsible for the tenants. If there is a foul smell, it would cause a big problem. Just on that basis, we are not going to commit to any kind of uses of that.

Phyllis Briller: My questions are being addressed to the Board.

Mr. Bollenbach: There will be a dumpster location. They will be provided with adequate screening. Also there will be a turning radius for access for garbage trucks and deliveries.

Phyllis Briller: Thank you.

Mr. McConnell: Also, the availability of water would limit the number of restaurants.

Mr. Astorino: The Zoning Code limits the number of restaurants. There is a certain percentage that you could have and certain size. They are dictated by what they could do in the Zoning Code. Is there anyone else wishing to address the Fairgrounds 2 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 Fairwick, LLC., application, granting "**Amended**" Site Plan Approval and Special Use Permit for the construction and use of commercial/retail facilities on Building #2 and Building #3 (Fairgrounds #2), situated on tax parcel S 51 B 1 L 40.12; project located on the northern side of State Rte. 94S approximately 1000 feet east of O.C. Route 21 near the Price Chopper facility, in the CB/OI zones, of the Town of Warwick, County of Orange, State of New York, subject to the following conditions:

1. The plan set should be updated to include the new tax id for the Fairgrounds parcels (Fairgrounds 2 is 51-1-40.12).
2. The list of property owners within 300-ft should be updated.
3. Applicant should submit a 911 address form to the Building Department; these addresses must be shown on the drawing.
4. A note should be added to the plans stating that required improvements to the wastewater treatment facility must be fully installed and fully operational prior to a Certificate of Occupancy for either Buildings 2 or 3 (Fairgrounds 2 site plan, signed by Chairman 05/18/11, Sheet 1, Note 18).
5. All proposed signage for Mavis Tire shall be included in this Amended Site Plan application; this includes all building signage.
6. The signs currently proposed do not comply with §164-43.1.H(6)(a): not more than one sign shall be permitted per establishment. The two signs (23.5-sf and 18-sf sum to 41.5-sf) for Building #2. Provide Map Note to Planning Engineer's specifications.

7. The signs for Building 2 do not comply with §164-43.1.H(6)(b): 1-sf per LF of building front's length with maximum of 40-sf (143-lf = 143-sf of signage for Building 2); 41.5-sf per establishment or 249-sf total is currently proposed. Provide Map Note.
8. The architectural plans, last revised April 25, 2012, indicate that the signs will be internally illuminated; signs are not allowed to be internally illuminated.
9. Sheet 1, Notes 10 and 18 shall be replaced with Sheet 1, Note 9 from the approved plan set for Fairgrounds 2 (last revised May 05, 2011) to Planning Board Attorney's specifications to indicate that the applicant will Bond the Marginal Access Road construction up to the property line.
10. Sheet 1, Notes 17 and 18 from the approval plan set for Fairgrounds 2 (last revised May 05, 2011) shall be added to Sheet 1 of this Amended Site Plan.
11. Sheet 1, Note 19 shall be revised to state that the bay doors will remain closed unless a car is entered or leaving that bay.
12. The limits of disturbance line and area must be adjusted now that the location of Building 3 has moved.
13. The Applicant should clarify where the trucks carrying the tires will be loading and unloading these materials.
14. The method of heating and cooling the buildings should be shown on the site plan or a note stating that all mechanical equipment will be located on the roof and not visible.
15. Estimates of noise generation should be determined for Buildings 2 and 3 (Long EAF (04/25/12) states NA).
16. Any required loading dock areas or caged areas (for delivers made before or after normal business hours) for the purposed uses should be shown on the plans, including truck turning movements.
17. There are notes relating to Environmental Monitoring, Animal Barriers, and Pavement Vacuuming. The Applicant shall identify the entity responsible for these activities and a status report shall be submitted.
18. The proposed retail usage must comply with §164-46.J(139); a note must be added to the plan.
19. It should be clarified (Sheet 2, Parking Calculations) that the reserve parking spaces on 51-1-40.22 are being developed as part of this proposal.
20. The Parking Space Calculations (Sheet 2) do not show the number of required and provided handicapped spaces.
21. Applicant to clarify if Sheet 3, Note 6 (screening proposed to obscure any new parking areas) has been satisfied.
22. Sheets 4&5 should state that Chase Bank is now existing.
23. A legend or additional call outs should be made for existing curbs, proposed curbs.
24. The fire suppression water needs required for Buildings 2 and 3 shall be shown on the plan. The Applicant should show that the existing system has the capacity to service these needs.
25. The Applicant should clarify if there are wall-mounted lighting fixtures proposed above the four bay doors at Building 3; area may not be bright enough. The Architectural plans indicate that wall-mounted lights are located between the bay doors; Applicant to clarify that all lighting fixtures have been included in the lighting plan.
26. Sheet 8, Building-Mounted Lights: this note should be modified to state that all fixtures shall be fully shielded.
27. The Landscaping Plan does not show the transformer location adjacent to Building 2 and Building 3; additional screening to be located to Town Planner's specifications.
28. The Landscaping Plan does not show the electric panel box on the side of Building 2 near the transformer pad.

29. The Landscaping Plan does not show the proposed doorway on Building 2 that is facing Chase Bank.
30. The estimated water supply and wastewater flows for Fairgrounds #2 are now estimated to be greater than those flows submitted to the Town Board at the time of the creation of the Fairgrounds Water District. Applicant to clarify difference and show that there will be flow available for future users in the district. Long form EAF (04/25/12) states increase in potential sewerage use. Septic usage in excess 8,000 g.p.d. requires Town Board Approval.
31. Applicant to revise drawings so each drawing reads Sheet x of 10.
32. A transformer location that complies with all of O&R citing requirements shall be added to the plan and submitted to Orange and Rockland.
33. As a conditional of final site plan approval for Fairgrounds #2, a three-ring binder with all color, texture, roofing samples, etc. shall be submitted and retained with the Building Department after final approval is granted.
34. Surveyor to certify that iron rods have been set at all property corners.
35. Payment Of All Fees.
36. Payment of all bonds (Landscaping, Performance, Marginal access road, Construction Trailer Removal Bond, Construction Inspection Fees for Landscaping and Performance, and Traffic Mitigation Fees).
37. Provide Map Note incorporating by reference architectural and signage.
38. Bicycle rack and benches to be provided to the Town Planner's specifications.

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

Dave Getz: Thank you.

Adrian Goddard: Thank you.

Review of Submitted Maps:***Pochuck Views Subdivision***

Application for Sketch Plat Review for a proposed 5-Lot (**MAJOR**) subdivision, formally known as the Tarelli Subdivision, situated on tax parcels S 24 B 1 L 20.1 & 35; parcels located on the western side of Glenwood Road 3500 feet south of Newport Bridge Road, in the RU zone, of the Town of Warwick.

Representing the applicant: Dave Getz from Lehman & Getz Engineering & Applicant. George Rhein, 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. OC Planning Department: pending submittal
6. OCDPW (driveway permit and drainage): pending submittal
7. Applicant to clarify how the proposed “theoretical right-of-way” is different from a proposed “right-of-way.”
8. The portion of Lot 5 that is included in the Ridgeline overlay should either be shown or described in a note.
9. A note should be added stating that the entire building envelope for Lot 5 is not within the Ridgeline Overlay.
10. The building setback lines do not appear to be shown on the plans submitted; Applicant to show on Sheet 2.
11. Construction of the proposed private road is within a NYSDEC wetland check area; Sheet 1 Note 5 may need to be revised.
12. Sheet 1 Driveway Note 3 should be revised to the pertinent lots numbers for this subdivision.
13. Sheet 2 must show any existing monuments/pins.
14. Sheet 2 must show metes and bounds.
15. The swales shown on Sheet 3 should divert the stormwater around the proposed expansion area of the septic system on Lot 2.
16. Sheet 3, a note should be added to clarify the proper separation distance between the septic system on Lot 4 and the proposed curtain drain system.
17. The Applicant must submit a SWPPP; including a map with contours that shows the entire drainage area of the hillside and details for all stormwater components (basins, swales, and flared end sections).
18. At the bottom of the hill, catch basin AD-A7 collects the stormwater from a swale, turns 90°, and then directs the water toward the basin; Applicant to confirm that stormwater will not pond in this area.
19. The swale details shall clearly be labeled on the plan and each detail shall be specifically named to avoid confusion during construction. The dimensions and surface covering of the each swale type must be noted.
20. The entity responsible for the operation and maintenance of the proposed stormwater structures shall be called out and the plan.

21. On sheet 3, the swales shown around the proposed septic systems should show the high points, both end elevations, and refer to a detail for construction.
22. Applicant to add stationing on all profiles.
23. It appears that the existing septic system for Lot 1 is proposed to remain until system requires replacement; this should be specifically stated.
24. A note should be added to clearly mark the location of the proposed future septic system location for Lot 1 so that it so that this area is not disturbed and machinery does not drive over it during construction. Applicant to consider re-locating so it is not upgradient from the proposed basin.
25. Map legends should be added to the plans.
26. Sheet 3 states that a W2-2 sign shall be installed; Applicant should include a detail for this sign, including sign height, dimensions, language, and support.
27. Sheet 4 states that the existing driveways are to be removed. Notes and details should be included in the plan to state when and how this remediation/restoration will take place.
28. Applicant to clarify if clearing is required to achieve the sight distances shown on the plans. Depict point of view and line of sight of the sight distances.
29. On Sheet 6, all of the septic designs include calculations for 4-bedroom homes, but each states that only 2-bedrooms are being proposed; Applicant to clarify.
30. Sheet 7, driveway pavement section detail should include a note stating which driveways will be paved in accordance with this detail.
31. Sheet 3 of 7 states that a 4" concrete curb will be installed; Sheet 7 of 7 shows a Belgian block curb detail; Applicant to clarify.
32. Applicant to confirm that existing signage is in accordance with §164-43.1 of the Town Code.
33. The Applicant is requesting a waiver from §168-17 Street Specifications Grades and Vertical Curves (proposed 14%, whereas maximum slope allowed is 10%).
34. The 9-1-1 addresses for all five lots must be added to the plan set.
35. The declaration information for the Ridgeline Overlay District will need to be shown.
36. A private roadway easement and agreement must be prepared and submitted to the Town.
37. Surveyor to certify that iron rods have been set at all property corners.
38. A bond for the common driveway shall be determined to the Planning Board Engineer's specification.
39. Payment of parkland fees.
40. Payment of all fees.

The following comment submitted by the Conservation Board, dated 5/16/12:

Pochuck Views Subdivision – The CB recommends a site visit to assess the slope issues presented by this application.

The following comment submitted by the ARB:

Pochuck Views Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This application is subject to SEQR. The applicant has submitted a short EAF. It is an Unlisted Action. The only other Involved Agency is OC Highway Department. They will do their own SEQR. The Planning Board could go ahead and declare themselves Lead Agency tonight.

Mr. Kennedy makes a motion for Lead Agency.

Seconded by Mr. McConnell. 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: Pochuck Views Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by Lehigh & Hudson Professional Building, LLC for a ± 22.9 acre parcel of land located at 117 Glenwood Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 4/25/12 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 not within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) do not apply, and

Whereas, after examining the EAF, the Planning Board has determined that there are 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.

Dave Getz: The property includes 2 tax lots. The total acreage of the property is 22.9 acres. The front property has an existing house and barn on it. George and his company had restored the house from the condition that it had been in. This project was previously before the Planning Board back in the year 2006 known as the Tarelli Subdivision. It was approved by the Planning Board when it was the Tarelli Subdivision. We are proposing to subdivide it in a very similar matter to that plan of the Tarelli Subdivision. Kirk Rother, P.E. had originally done the plan. We have the road and lot lines in similar location. We changed the design somewhat for a couple of reasons. We shifted the road and changed the profile a little bit to reduce cut and fill. Since that project had been reviewed, the DEC has new stormwater regulations. We have more requirements for water quality. We had done a lot of design work. I have not submitted the details and the drainage report yet to the Board. It is 2 lots now. We proposed to make it into 5 lots.

Mr. Astorino: That is the same as the other subdivision.

Dave Getz: Yes.

Comment #3: Conservation Board comments: pending

Mr. Astorino: The CB recommends a site visit to assess the slope issues. I don't even think that is necessary. That is my opinion. It is up to the Board if they want to do a site visit. This application is pretty much similar to the Tarelli application that we had seen.

Mr. Bollenbach: The Board members have not been out there. It is up to the Board.

Mr. Astorino: Yes. It is up to the Board. We will have Connie call you once we set something up.

Comment #4: Architectural Review Board comments: pending

Comment #5: OC Planning Department: pending submittal

Mr. Astorino: Laura, these comments are pretty much all technical the way I see it here.

Laura Barca: Yes. They are. Do the applicants want to go over any comments? This is their first submittal.

Dave Getz: We don't need to go through any of these comments here tonight. They are technical in nature.

Mr. Astorino: Ok. We will list Comments 6 through 40 for the record. Dave, get in touch with Connie regarding setting up a site visit.

Comment #6: OCDPW (driveway permit and drainage): pending submittal

Comment #7: Applicant to clarify how the proposed "theoretical right-of-way" is different from a proposed "right-of-way."

Comment #8: The portion of Lot 5 that is included in the Ridgeline overlay should either be shown or described in a note.

Comment #9: A note should be added stating that the entire building envelope for Lot 5 is not within the Ridgeline Overlay.

Comment #10: The building setback lines do not appear to be shown on the plans submitted; Applicant to show on Sheet 2.

Comment #11: Construction of the proposed private road is within a NYSDEC wetland check area; Sheet 1 Note 5 may need to be revised.

Comment #12: Sheet 1 Driveway Note 3 should be revised to the pertinent lots numbers for this subdivision.

Comment #13: Sheet 2 must show any existing monuments/pins.

Comment #14: Sheet 2 must show metes and bounds.

Comment #15: The swales shown on Sheet 3 should divert the stormwater around the proposed expansion area of the septic system on Lot 2.

Comment #16: Sheet 3, a note should be added to clarify the proper separation distance between the septic system on Lot 4 and the proposed curtain drain system.

Comment #17: The Applicant must submit a SWPPP; including a map with contours that shows the entire drainage area of the hillside and details for all stormwater components (basins, swales, and flared end sections).

Comment #18: At the bottom of the hill, catch basin AD-A7 collects the stormwater from a swale, turns 90°, and then directs the water toward the basin; Applicant to confirm that stormwater will not pond in this area.

Comment #19: The swale details shall clearly be labeled on the plan and each detail shall be specifically named to avoid confusion during construction. The dimensions and surface covering of the each swale type must be noted.

Comment #20: The entity responsible for the operation and maintenance of the proposed stormwater structures shall be called out and the plan.

Comment #21: On sheet 3, the swales shown around the proposed septic systems should show the high points, both end elevations, and refer to a detail for construction.

Comment #22: Applicant to add stationing on all profiles.

Comment #23: It appears that the existing septic system for Lot 1 is proposed to remain until system requires replacement; this should be specifically stated.

Comment #24: A note should be added to clearly mark the location of the proposed future septic system location for Lot 1 so that it so that this area is not disturbed and machinery does not drive over it during construction. Applicant to consider re-locating so it is not upgradient from the proposed basin.

Comment #25: Map legends should be added to the plans.

Comment #26: Sheet 3 states that a W2-2 sign shall be installed; Applicant should include a detail for this sign, including sign height, dimensions, language, and support.

Comment #27: Sheet 4 states that the existing driveways are to be removed. Notes and details should be included in the plan to state when and how this remediation/restoration will take place.

Comment #28: Applicant to clarify if clearing is required to achieve the sight distances shown on the plans. Depict point of view and line of sight of the sight distances.

Comment #29: On Sheet 6, all of the septic designs include calculations for 4-bedroom homes, but each states that only 2-bedrooms are being proposed; Applicant to clarify.

Comment #30: Sheet 7, driveway pavement section detail should include a note stating which driveways will be paved in accordance with this detail.

Comment #31: Sheet 3 of 7 states that a 4" concrete curb will be installed; Sheet 7 of 7 shows a Belgian block curb detail; Applicant to clarify.

Comment #32: Applicant to confirm that existing signage is in accordance with §164-43.1 of the Town Code.

Comment #33: The Applicant is requesting a waiver from §168-17 Street Specifications Grades and Vertical Curves (proposed 14%, whereas maximum slope allowed is 10%).

Comment #34: The 9-1-1 addresses for all five lots must be added to the plan set.

Comment #35: The declaration information for the Ridgeline Overlay District will need to be shown.

Comment #36: A private roadway easement and agreement must be prepared and submitted to the Town.

Comment #37: Surveyor to certify that iron rods have been set at all property corners.

Comment #38: A bond for the common driveway shall be determined to the Planning Board Engineer's specification.

Comment #39: Payment of parkland fees.

Comment #40: Payment of all fees.

Dave Getz: Ok. Mondays are good.

Mr. Astorino: Why don't we do this? We will schedule a site visit before our next Work Session. Is the Board ok with that?

The Planning Board is ok with scheduling a site visit for Tuesday, May 29, 2012 @ 6:00 p.m. Everyone will be meeting out on the road in front of the property.

Dave Getz: Ok. Thank you.

George Rhein: Thank you.

Other Considerations:

1. Planning Board to discuss revisions to the stormwater plan and for the Planning Board to make a recommendation to the Town Board.

Mr. Astorino: Does the Board have any problems with the Stormwater Regulations as they stand?

Mr. Kennedy: No.

Mr. McConnell: No.

Mr. Ruskiewicz: No.

Mr. Astorino: We will give a Positive recommendation to the Town Board. Do you want to get a letter out to that effect?

Mr. Bollenbach: Ted, this is a text revision to the Zoning Code.

Mr. Fink: Yes.

Mr. Bollenbach: You will go through the text revision criteria.

Mr. Fink: Yes. I will be going through it to get it ready to go.

Mr. Bollenbach: Ok.

Connie Sardo: Ted, you will be taking care of that.

Mr. Fink: Yes. I will.

Mr. Astorino: We have a consensus from the Board on the revisions to the stormwater regulations.

2. **Fusco Subdivision Sectionalizing Plan** – Letter from David Higgins, Lanc & Tully Engineering, dated 4/20/12 addressed to the Planning Board in regards to the FUSCO Subdivision Sectionalizing Plan – requesting a 6-Month Extension on Preliminary Approval for filing a 13-Lot Cluster Subdivision in Sections and ***“Re-Approval”*** of Final Approval for Section I to consist of proposed 4-Lot Cluster subdivision, situated on tax parcel SBL # 18-1-31.2; parcel located along the southern side of Taylor Road with Jessup Road, in the RU zone. Preliminary and Final Approval for Section I was granted on, 6/15/11. *The applicant has stated that they have been working on meeting the conditions of the final approval which includes filing of declarations. They request this extension so they could meet the conditions of the approval.* The 6-Month Extension on Preliminary Approval becomes effective on, 6/15/12. The Re-Approval of Final Approval for Section I becomes effective on, 6/15/12, subject to the conditions of final approval granted on, 6/15/11.

Mr. McConnell makes a motion on the Fusco Subdivision Sectionalizing Plan, granting a 6-Month Extension on Preliminary Approval for filing a 13-Lot Cluster subdivision in Sections and ***“Re-Approval”*** of Final Approval for Section I to consist of a proposed 4-Lot Cluster subdivision, situated on tax parcel SBL #18-1-31.2; parcel located along the southern side of Taylor Road with Jessup Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. Preliminary and Final Approval for Section I was granted on, 6/15/11.

The 6-Month Extension on Preliminary Approval becomes effective on, 6/15/12.

The Re-Approval of Final Approval for Section I becomes effective on 6/15/12, subject to the conditions of Final Approval granted on, 6/15/11.

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

3. **Rich Brady Subdivision** – Letter from Karen Emmerich, dated 5/1/12 addressed to the Planning Board requesting a 6-Month Extension on Conditional Final Approval of a proposed 2-Lot subdivision, situated on tax parcel SBL # 64-1-54; parcel located on the southern side of Brady Road approximately 730 feet southwest of Bowen Road intersection, in the MT zone. Conditional Final Approval was granted on, 12/7/11. *The applicant is requesting the extension because their attorney is working to complete the declarations that are required as part of the Planning Board approval. They are also requesting the extension to have enough time to resolve any final issues with the Planning Board Engineer prior to signing of the plans.* The 6-Month Extension becomes effective on, 6/7/12.

Mr. McConnell: What final issues are they referring to?

Laura Barca: They are working on some drainage issues.

Mr. Bollenbach: They had to relocate the drainage out on Tower Lane. A portion of that was within the PDR property. They were not able to traverse that particular area. They had to redirect and accommodate all the water on site, which was non-PDR property.

Mr. McConnell: Right. But, that is something that falls under the PDR.

Mr. Bollenbach: No. It is a condition of the approval to revise the subdivision map to show that the drainage is on the 2 lots that are being subdivided.

Mr. McConnell: But, not on the PDR land.

Mr. Bollenbach: Correct.

Mr. McConnell: Wasn't that a requirement of PDR?

Mr. Bollenbach: Yes. It was.

Mr. McConnell: Then, why are we held up because of this?

Mr. Astorino: We are not held up. They are.

Mr. Bollenbach: They had to show how they were disposing of the stormwater.

Mr. McConnell: Ok.

Mr. McConnell makes a motion on the Rich Brady Subdivision, granting a 6-Month Extension on Conditional Final Approval of a proposed 2-Lot subdivision. SBL # 64-1-54. Conditional Final Approval was granted on, 12/7/11.

The 6-Month Extension becomes effective on, 6/7/12.

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

4. **Adele Grill Subdivision** – Letter from Adele Grill, dated 5/6/12 addressed to the Planning Board requesting a **5th Re-Approval** of Final Approval of a proposed 4-Lot Cluster subdivision, situated on tax parcels SBL # 29-1-71 & 72; parcels located on the westerly side of Distillery Road 750' north of Pine Island Turnpike, in the RU zone. Conditional "Amended" Re-Approval of Final Approval was granted on 7/15/09 became effective on, 5/7/09. *The applicant has stated that the 5th Re-Approval is need due to tight credit and the poor economy. Also, the applicant is requesting to place the small abandoned house back as residential use.* The 5th Re-Approval of Final Approval becomes effective on, 5/7/12, subject to the conditions of Amended Approval granted on 7/15/09 became effective on, 5/7/09.

Laura Barca: I think it should be clear if the Planning Board wants to extend the conditional final approval to make it clear what the contingent is on granting the use of the vacant house back to residential use.

Mr. Astorino: That is a condition that Ms. Grill would have to come into us and have a conversation about that.

Laura Barca: Yes.

Mr. Astorino: We are not making the determination here.

Laura Barca: You need to make it crystal clear on what your action will be tonight.

Mr. Astorino: I don't know why this is in here. She could request whatever she wants to request. The Re-Approval of final approval is all we are granting.

Mr. Bollenbach: Why don't we put in the Re-Approval, "subject to the conditions of the approval and that the small abandoned house is not to be used for residential purposes. "Also, the Building Department should go out and take a look to see if the small house is still abandoned.

Mr. Astorino: That sounds good.

Mr. McConnell makes a motion on the Adele Grill Subdivision, granting *5th Re-Approval* of Final Approval of a proposed 4-Lot Cluster Subdivision, situated on tax parcels S 29 B 1 L 71 and L 72; parcels located on the westerly side of Distillery Road 750 feet north of Pine Island Turnpike, in the RU zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of Amended Re-Approval of Final Approval granted on 7/15/09 became effective on, 5/7/09.

The 5th Re-Approval of Final Approval becomes effective on, 5/7/12, subject to the conditions of Amended Approval granted on 7/15/09 became effective on, 5/7/09. The small abandoned house is Not for residential purposes.

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

5. **Schreibeis-Rea Lot Line Change** – Letter from Kirk Rother, dated 5/15/12 addressed to the Planning Board in regards to the Schreibeis-Rea Lot Line Change – requesting 2nd 6-Month Extension on Preliminary 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. Preliminary Approval was granted on, 6/15/11. *The applicant has stated that they are in the process of coordinating joint soils testing with the OCHD.* The 2nd 6-Month Extension becomes effective on, 6/15/12.

Mr. McConnell makes a motion on the Schreibeis-Rea Lot Line Change application, granting a 2nd 6-Month Extension on Preliminary Approval of a proposed Lot Line Change. SBL # 89-2-5, 6, & 7. Preliminary Approval was granted on, 6/15/11.

The 2nd 6-Month Extension becomes effective on, 6/15/12.

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

6. **Lands of Mongelluzzo** – Letter from Kirk Rother, dated 5/13/12 addressed to the Planning Board in regards to the Mongelluzzo Subdivision – requesting a 9th 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 Kings Highway, in the RU zone. Preliminary Approval was granted on, 11/21/07. *The applicant has stated they are currently in the process of preparing a revised plan and hope to be submitting to the Planning Board in the near future for Final Approval.* The 9th 6-Month Extension on Preliminary Approval becomes effective on, 5/21/12.

Mr. Astorino: I did have a conversation with Kirk Rother about this. Now they are looking to come out onto Ackerman Road. There is no crossing. They do have a few issues out there on Ackerman Road. Laura, were you out with us at that time?

Laura Barca: Yes.

Mr. Astorino: They would have to do some clearing on the other side of the site distances. We will have to see where that goes.

Mr. Kennedy makes a motion on the Lands of Mongelluzzo application, granting a 9th 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 9th 6-Month Extension becomes effective on, 5/21/12.

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

7. **Land of Masanda-Luft Properties, LLC.** – Letter from Kirk Rother, dated 4/18/12 addressed to the Planning Board in regards to the Luft Subdivision – requesting a 4th ***Re-Approval*** of Final Approval of a proposed 22-Lot Cluster subdivision 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 of Blooms Corners Road, in the RU zone. Conditional Final Approval was granted on, 4/16/08. *The applicant has stated due to the current economic conditions, the applicant has had difficulty in obtaining the necessary financing to satisfy the conditions of final approval.* The 4th Re-Approval of Final Approval becomes effective on, 4/16/12, subject to the conditions of final approval granted on, 4/16/08.

Ms. Little makes a motion on the Lands of Masanda-Luft Properties, LL., granting “4th ***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 4th Re-Approval of Final Approval becomes effective on, 4/16/12, subject to the conditions of Final Approval granted on, 4/16/08.

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

8. Planning Board Minutes of 4/18/12 for Planning Board Approval.

Mr. Kennedy makes a motion to Approve the Planning Board Minutes of 5/16/12.

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

Correspondences:

1. Letter from Randolph DeMercado, addressed to the Planning Board, not dated, received on, 5/9/12 – in regards to the Church Communities / Bellvale Community Forest.

Mr. Astorino: We have that letter in our packets. I mentioned this letter earlier under the Church Communities /Bellvale application.

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 16, 2012 Planning Board meeting.

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