

TOWN OF WARWICK PLANNING BOARD

June 6, 2012

Members present: Roger Showalter, Vice-Chairman
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, June 6, 2012 at the Town Hall, 132 Kings Highway, Warwick, New York. Vice-Chairman, Roger Showalter called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

Review of Submitted Maps:

Watchtower Bible & Tract Society of NY, Inc.

On the applications of ***Watchtower Bible and Tract Society of NY, Inc.***, for Site Plan Approval and Special Use Permit for the construction and use of a campus of eight buildings for religious use on approximately 45 acres of previously developed land on a 253 acre site, situated on tax parcels S 85 B 1 L 4.1, 4.2, 5.1 and 5.2; parcels located on the southwest side of Long Meadow Road 6,000 feet north of Sterling Mine Road (CR 72), in the LC zone, of the Town of Warwick, County of Orange, State of New York. The Planning Board, acting as Lead Agency under the State Environmental Quality Review Act (SEQR), adopted a Positive Declaration requiring a Draft Environmental Impact Statement (DEIS) on 10/7/09 and a Final Scoping Document was adopted on 12/16/09. The Planning Board deemed the DEIS complete for purposes of public and agency review on May 4, 2011 and circulated the DEIS to all Involved and Interested agencies on June 13, 2011. The DEIS is available for review and downloading on the Town of Warwick website at www.townofwarwick.org. A SEQR public hearing on the DEIS was held, in conjunction with the public hearings on Site Plan and Special Use Permit approvals, on 7/20/11. The public comment period on the DEIS will remain open and comments were accepted until August 3, 2011. ***As per the 7/20/11 PB Meeting the Public Hearing on DEIS was closed. The Public Hearing on Preliminary Site Plan Approval & Special Use Permit was Adjourned Without Date. **On 1/18/12 the Planning Board Adopted the FEIS with Minor Revisions that need to be made before Filing the FEIS with all the Involved & Interested Agencies**.* Planning Board to discuss completeness of the FEIS.

Representing the applicant: Robert Pollock, Applicant.

The following review comments submitted by HDR:

1. Applicant to discuss project.
2. Planning Board to discuss SEQRA.
3. TW PB: Site Plan, Special Use, SWPPP Review, SWPPP MS4 Acceptance Form

4. TW Town Clerk: Blasting Permit
5. Conservation Board comments: 10/04/10; 05/03/11
6. Architectural Review Board comments: 10/06/10; 04/27/11
7. OC Planning Department: 08/15/11 (traffic and disposal of demolition debris); pending GML Review of Site Plan
8. NYS Historic Preservation Office (SHPO); Complete with letter from SHPO dated 04/16/12.
9. OC Department of Public Works: 09/15/11; pending Site Plan Review
10. NYSDEC: Water Supply (United Water), Sewer Extension (United Water), Article 15 (Protection of Waters for Dam Repair), 401 Water Quality Certification, Air Facility Registration, Petroleum Bulk Storage Registration, removal of contaminated soil
11. USACE: NWP 3 (Maintenance), NWP 12 (Utility Line Activities, NWP 13 (Bank Stabilization), NWP 39 (Commercial and Institutional Developments)
12. HDR site plan comments from HDR letter dated 09/19/11.
13. HDR comments from May 22, 2012 site plan technical review meeting.
14. If any structures are located within the Ridgeline Overlay District, the site plan shall clearly show any restrictions on that structure.
15. Portions of property are within the Ridgeline Overlay and Biodiversity Overlay. The declaration information for the Ridgeline Overlay District will need to be shown.
16. The 9-1-1 address must be added to the plan set.
17. Surveyor to certify that iron rods have been set at all property corners.
18. Payment of all fees.

The following comment submitted by the Conservation Board:

Watchtower Bible & Tract Society of NY, Inc. – None submitted.

The following comment submitted by the ARB:

Watchtower Bible & Tract Society of NY, Inc. – None submitted.

Mr. Fink: As it was stated in the Notice, when the Planning Board adopted the FEIS on 1/18/12, there were some minor revisions that needed to be done at that time. Subsequent to that, it was learned that when the DEIS was circulated for public comment and it went out to tall the Involved and Interested Agencies, it was delivered to the wrong regional office of the DEC. Once that was straightened out and the DEC Region #3 office received a copy of the DEIS, they prepared a letter that had a number of comments on it that needed further inquiry. The DEC had comments on the endangered species, cut and fill analysis, and several other matters. The applicant has been working diligently over the last few months to ensure that all of the DEC comments have been addressed. They have prepared a full cut and fill analysis. The concern with the cut and fill analysis was whether or not it would affect their projections of construction truck traffic in the event that materials needed to be removed from the site or if additional materials needed to be brought into the site. Once they were able to prepare that cut & fill analysis, they had been able to confirm that the projections that were made for construction truck traffic in the DEIS are still accurate. I believe they have answered the DEC's questions about the disturbance as mentioned in the cut and fill analysis. There were also correspondences with Greenwood Lake Fire Department and Tuxedo Fire Department regarding the ability to service the 60-foot high buildings. It now has been confirmed that they do have the apparatus that is sufficient to service those buildings. We have received confirmation from the applicant. At this point, the Planning Board has already adopted the FEIS, at this stage the applicant needs confirmation that they could go ahead and produce the FEIS document

so that it could be filed. The document hasn't been filed yet. When they do file the FEIS we should also have the final copy of the FEIS document here at Town Hall and it needs to be accessible on the Town of Warwick's Website. It will also need to be filed with the Town Board and all of the Involved and Interested Agencies. There is a long list of all the agencies on where the FEIS needs to be filed and circulated. At this point, I have reviewed all of the materials that have come in. I am satisfied with the document that it sufficiently responds to all of the comments on the DEIS. Laura, I will let you speak for yourself. I believe at the last Work Session from an engineering standpoint, HDR has reviewed it and everything is sufficient on that end.

Laura Barca: Yes.

Mr. Showalter: Ted, you looked at it. Everything seems in order. Are you satisfied with it?

Mr. Fink: Yes. I am satisfied with it. At this point, it is ready to be filed. Once the applicant has produced the FEIS document, then we will have it placed on the Town's website. I could work with Mark Damia on that. I will put the Notice in the Environmental Notice Bulletin. We already have the Notice of Completion of the FEIS. We will need to re-date that with tonight's meeting date.

Connie Sardo: Yes. I have that. I will re-date the Notice. I will send the re-dated Notice to the applicant.

Robert Pollock: Ok.

Mr. Fink: As soon as we get the FEIS circulated and filed with all the agencies, the next step will be the Findings Statement. I have already begun working on the Findings Statement. That would be the final step in the SEQR process. I started working on that a couple of weeks ago. I am working through each of the sections. The Planning Board, when they review the Findings Statement, reaches the Findings on impacts on soil, topography, water, air, etc... I am preparing that document. As soon as I have the Findings Statement, the Planning Board will review it. Then, the Board would adopt the Findings Statement. Then SEQR would be complete.

Mr. McConnell: Could you speak to the sufficiency of the response from the State to the DEC comments or do we have to wait for the DEC to respond as to the sufficiency response to their comments?

Mr. Fink: They may do that. It's really because the Planning Board is Lead Agency, we have to be satisfied that all of the comments have been properly addressed.

Mr. McConnell: So when you said that they have been all addressed in your opinion that includes the responses to the DEC's comments.

Mr. Fink: Correct.

Mr. McConnell: The DEC still has the opportunity regardless of what this Board does to come back and say that is fine that Mr. Fink thought it was sufficient, but we don't agree.

Mr. Fink: Yes. Right.

Mr. McConnell: If that happens, what does that do to our position of the sufficiency of the FEIS?

Mr. Fink: From a practical standpoint the way that it often works, when you get the FEIS, there is no public comment or agency comment period on the FEIS. But, there is a delay provision built into the regulations that allows for agencies and the public to consider the FEIS. Although there is no formal need for them to provide a comment if the DEC felt strongly enough that the responses that we put into the FEIS that they don't agree with something there, they would let you know.

Mr. McConnell: Ok.

Mr. Fink: Those would be adjustments that could be made in the Findings Statement.

Mr. McConnell: Ok. Thank you.

Mr. Showalter: Laura, do you have any further engineering comments?

Laura Barca: No.

Mr. Showalter: We will list comments 1 through 18 for the record.

Mr. Bollenbach: Does the applicant want to address any of these comments?

Robert Pollock: No. We are up to date. We have had verbal discussions with the DEC representatives. Verbally they have stated that they are satisfied with what we have done with the FEIS. There was one item that was left open. The DEC didn't have any papers in their hands to show that United Water had the right to sell us water. We have found that. They are satisfied with that. By the end of June or the beginning of July, we should be ready to submit our site plan to the Board.

Mr. Showalter: Ok. You are good to go. You could start filing the documents.

Mr. Fink: Do you know how long it would take for you to start producing the FEIS documents?

Robert Pollock: They are ready to go. In a practical sense, they would be ready to go either by Friday or Monday.

Connie Sardo: Please keep in contact with me. I will send you the Notice of Completion of the FEIS first thing tomorrow.

Robert Pollock: Ok. Thank you.

Comment #1: Applicant to discuss project.

Comment #2: Planning Board to discuss SEQRA.

Comment #3: TW PB: Site Plan, Special Use, SWPPP Review, SWPPP MS4 Acceptance Form

Comment #4: TW Town Clerk: Blasting Permit

Comment #5: Conservation Board comments: 10/04/10; 05/03/11

Comment #6: Architectural Review Board comments: 10/06/10; 04/27/11

Comment #7: OC Planning Department: 08/15/11 (traffic and disposal of demolition debris); pending GML Review of Site Plan

Comment #8: NYS Historic Preservation Office (SHPO); Complete with letter from SHPO dated 04/16/12.

Comment #9: OC Department of Public Works: 09/15/11; pending Site Plan Review

Comment #10: NYSDEC: Water Supply (United Water), Sewer Extension (United Water), Article 15 (Protection of Waters for Dam Repair), 401 Water Quality Certification, Air Facility Registration, Petroleum Bulk Storage Registration, removal of contaminated soil

Comment #11: USACE: NWP 3 (Maintenance), NWP 12 (Utility Line Activities, NWP 13 (Bank Stabilization), NWP 39 (Commercial and Institutional Developments)

Comment #12: HDR site plan comments from HDR letter dated 09/19/11.

Comment #13: HDR comments from May 22, 2012 site plan technical review meeting.

Comment #14: If any structures are located within the Ridgeline Overlay District, the site plan shall clearly show any restrictions on that structure.

Comment #15: Portions of property are within the Ridgeline Overlay and Biodiversity Overlay. The declaration information for the Ridgeline Overlay District will need to be shown.

Comment #16: The 9-1-1 address must be added to the plan set.

Comment #17: Surveyor to certify that iron rods have been set at all property corners.

Comment #18: Payment of all fees.

Other Considerations:

1. **Michael Buono Subdivision** – Letters from Karen Emmerich, Lehman & Getz Engineering, dated 5/18/12 addressed to the Planning Board in regards to Michael Buono Subdivision – requesting “**3rd Re-Approval**” of Final Approval and requesting 6-Month Extension on the 3rd Re-Approval of Final Approval of a proposed 2-Lot subdivision, situated on tax parcel SBL # 10-1-64.3; parcel located on the western side of Glenwood Road 500 feet south of Newport Bridge Road, in the RU zone. Conditional Final Approval was granted on, 11/19/08. *Both letters from the applicant states that the applicant is in the construction trade and has been severely affected by the economic downturn. He now plans to file the maps for this subdivision and sell the subdivided lot. The 3rd Re-Approval and the Extension will give him time to get the maps signed by the Planning Board Chairman and file them with the County. The 3rd Re-Approval* of Final Approval becomes effective on, 11/19/11, subject to the conditions of final approval granted on, 11/19/08. The 6-Month Extension on the 3rd Re-Approval of Final Approval becomes effective on, 5/19/12.

Representing the applicant: Dave Getz from Lehman & Getz Engineering.

Dave Getz: You have summarized everything that I was going to say. He doesn't intend to make any technical changes to the plan. It is a combination of economic and personal factors that had held them up. He does want to move forward and finalize everything.

Mr. Showalter: It sounds like we have been seeing that happened quite a bit lately. Hopefully he could sell the lot and fund himself.

Dave Getz: Yes.

Mr. McConnell makes a motion on the Michael Buono Subdivision application, granting **3rd “Re-Approval”** of Final Approval of a proposed 2-Lot subdivision, situated on tax parcel S 10 B 1 L 64.3; parcel located on the western side of Glenwood Road 500 feet south of Newport Bridge 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, 11/19/08.

The 3rd “Re-Approval” of Final Approval becomes effective on, 11/19/11, subject to the conditions of final approval granted on, 11/19/08.

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

Mr. McConnell makes a motion on the Michael Buono Subdivision application, granting a 6 Month Extension on 3rd Re-Approval of Final Approval of a proposed 2-Lot subdivision. SBL # 10-1-64.3. Conditional Final Approval was granted on, 11/19/08.

The 6th Month Extension on 3rd Re-Approval of Final Approval becomes effective on, 5/19/12.

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

2. **Douglas Tinnirello** – Letter from Douglas Tinnirello, dated 6/1/12 addressed to the Planning Board in regards to the Tinnirello Subdivision – requesting “**3rd Re-Approval**” of Final Approval of a proposed 3-Lot subdivision, situated on tax parcels SBL # 49-1-56 & 45.2; parcels located on the southeast side of State Route 94 1000 feet southwest of Wawayanda Road, in the RU zone. Conditional Final Approval was granted on, 6/17/09. *The applicant has stated that due to the continued depressed state of the economy, they have not been able to generate enough income to cover the cost of anything other than the essentials of living.* The 3rd Re-Approval of Final Approval becomes effective on, 6/17/12, subject to the conditions of final approval granted on, 6/17/09.

Connie Sardo: I would just like to say that his Father recently passed away. They are trying to get this project done.

Mr. Showalter: Yes. It sounds like they are having more than just financial difficulties.

Mr. McConnell makes a motion on the Douglas Tinnirello application, granting “**3rd Re-Approval**” of Final Approval for a proposed 3-Lot cluster subdivision, situated on tax parcels S 49 B 1 L 56 and L 45.42; parcels located on the southeast side of NYS Route 94 1000 feet southwest of Wawayanda 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 6/17/09. (See attached)

The 3rd Re-Approval of Final Approval becomes effective on, 6/17/12, subject to the conditions of final approval granted on, 6/17/09

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

3. Planning Board to discuss recommendation letter to the Town Board in regards to the proposed Stormwater Management Amendments Local Law Amending the Zoning Law.

Connie Sardo: I emailed that out to the Board yesterday. There are copies in your packets tonight. The Board needs to make a motion on it. Then, it will go off to the Town Board for filing.

Mr. Showalter: Did the Board get a chance to look at that?

Mr. McConnell: Yes.

Mr. Ruskiewicz: Yes.

Ms. Little: Yes.

Mr. Showalter: Ok.

Mr. McConnell makes a motion that the Planning Board send the letter to the Town Board recommending the adoption of the proposed Stormwater Management Amendments Local Law Amending the Zoning Law.

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

4. Planning Board Minutes of 5/16/12 for Planning Board Approval.

Ms. Little makes a motion to Approved the Planning Board Minutes of 5/16/12.

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

5. Planning Board to discuss Cancelling the June 25, 2012 Work Session & the July 4, 2012 Planning Board Meeting due to the 4th of July Holiday.

Ms. Little makes a motion to cancel the 6/25/12 Work Session and the 7/4/12 Planning Board meeting.

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

Correspondences:

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

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

Mr. Showalter: 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 June 6, 2012 Planning Board meeting.

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