

TOWN OF WARWICK PLANNING BOARD

June 15, 2011

Members present: Chairman, Benjamin Astorino
Russell Kowal, Dennis McConnell
Beau Kennedy,
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 15, 2011 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

PUBLIC HEARING OF David and Eileen Marcos

Application for Final Approval of a proposed Lot Line Change, situated on tax parcels S 33 B 1 L 20.12 and 20.13; parcels located on the western side of Belcher Road 2400 feet north of Kings Highway, in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Lou Powell from Eustance & Horowitz Engineering.

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

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 06/10/11 no comments at this time.
4. Architectural Review Board comments: pending
5. OCPD GML review: 04/04/11 no advisory comments.
6. One Ag. Data Statement should contain both farms.
7. Proposed grading and drainage should be shown with 2-ft contours for the areas being developed (Sheet 2 of 2).
8. To better facilitate the driveway traffic, the profile for the driveway on lot 33-1-20.13 should have a slope of 2% for 20 to 25-ft from Station 0+00; this will also generate less cut material without increasing the slope of the driveway.
9. The Access onto a Town Road Note should be modified to remove references to the County and the State.
10. Final Checklist I and L.16 regarding 9-1-1 addresses need to be shown on the plan.
11. In accordance with §164-47.1.F(3)(c)[1], there must be eight trees per lot; this requirement can be met with showing existing trees on the plan.
12. Separate deeds should be filed for each lot.

13. Surveyor to certify that iron rods have been set at all property corners.
14. The declaration information for the Ridgeline and Agricultural Notes will need to be shown on the drawing.
15. Payment of all fees.

The following comment submitted by the Conservation Board:

David and Eileen Marcos – None submitted.

The following comment submitted by the ARB:

David and Eileen Marcos – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has already declared itself Lead Agency. It is an Unlisted Action. We have been reviewing it using the short EAF. It was supplemented by a Line-of-Sight profile that the applicant had completed because the property is located within the Ridgeline Overlay District. The property is also located within a farming area.

Comment #2: Applicant to discuss project.

Lou Powell: Mr. Marcos proposes a lot line change. They are adding approximately a 25-foot strip to one existing tax lot that has 18 acres to a parcel that has approximately 14 acres. The purpose of this is to get a tree line all on one lot.

Comment #3: Conservation Board comments: 06/10/11 no comments at this time.

Comment #4: Architectural Review Board comments: pending

Comment #5: OCPD GML review: 04/04/11 no advisory comments.

Comment #6: One Ag. Data Statement should contain both farms.

Lou Powell: Ok.

Comment #7: Proposed grading and drainage should be shown with 2-ft contours for the areas being developed (Sheet 2 of 2).

Lou Powell: Ok.

Comment #8: To better facilitate the driveway traffic, the profile for the driveway on lot 33-1-20.13 should have a slope of 2% for 20 to 25-ft from Station 0+00; this will also generate less cut material without increasing the slope of the driveway.

Lou Powell: Ok.

Comment #9: The Access onto a Town Road Note should be modified to remove references to the County and the State.

Lou Powell: Ok.

Comment #10: Final Checklist I and L.16 regarding 9-1-1 addresses need to be shown on the plan.

Lou Powell: Ok.

Comment #11: In accordance with §164-47.1.F(3)(c)[1], there must be eight trees per lot; this requirement can be met with showing existing trees on the plan.

Lou Powell: Ok.

Comment #12: Separate deeds should be filed for each lot.

Lou Powell: Ok.

Comment #13: Surveyor to certify that iron rods have been set at all property corners.

Lou Powell: Ok.

Comment #14: The declaration information for the Ridgeline and Agricultural Notes will need to be shown on the drawing.

Lou Powell: Ok.

Comment #15: Payment of all fees.

Lou Powell: Ok.

Mr. Astorino: Do any Board Members or Professionals have any comments? This is a public hearing. If there is anyone wishing to address the Marcos Lot Line Change application, please rise and state your name for the record. Let the record show no public comment.

Mr. Bollenbach: Is there a dedication strip that was previously conveyed to the Town?

Lou Powell: Yes.

Mr. Bollenbach: Ok.

Mr. Kowal makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: Marcos Re-subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed Re-subdivision between two existing lots of record, Town of Warwick, Orange County, New York, and

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

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 3/7/11, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

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

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

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

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

Mr. Kowal makes a motion on the David and Eileen Marcos application, granting Final Approval of a proposed Lot Line change, situated on tax parcels S 33 B 1 L 20.12 and L 20.13; parcels located on the western side of Belcher Road 2400 feet north of Kings Highway, in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on, June 15, 2011. Approval is granted subject to the following conditions:

1. One Ag. Data Statement should contain both farms.
2. Proposed grading and drainage should be shown with 2-ft contours for the areas being developed (Sheet 2 of 2).
3. To better facilitate the driveway traffic, the profile for the driveway on lot 33-1-20.13 should have a slope of 2% for 20 to 25-ft from Station 0+00; this will also generate less cut material without increasing the slope of the driveway.
4. The Access onto a Town Road Note should be modified to remove references to the County and the State.
5. Final Checklist I and L.16 regarding 9-1-1 addresses need to be shown on the plan.
6. In accordance with §164-47.1.F(3)(c)[1], there must be eight trees per lot; this requirement can be met with showing existing trees on the plan.
7. Separate deeds should be filed for each lot.
8. Surveyor to certify that iron rods have been set at all property corners.
9. The declaration information for the Ridgeline and Agricultural Notes will need to be shown on the drawing.
10. Payment of all fees.

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

Lou Powell: Thank You.

PUBLIC HEARING OF Rosemarie Schreibeis and Katherine Rea

Application for Preliminary Approval of a proposed Lot Line Change, situated on tax parcels S 89 B 2 L 5, 6, & 7 ; parcels located on the northern side of Wheeler Road at the intersection with Hunt Drive, in the SL zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Kirk Rother, P.E.

Connie Sardo: Mr. Chairman, we have just received the certified mailings for the Schreibeis-Rea public hearing.

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 06/10/11 letter – no comments at this time.
4. Architectural Review Board comments: 05/31/11 email – no comments at this time.
5. OCPD GML Review: 05/31/11 no advisory comments.
6. The deed identifies that there are two owners of the property; all owners must sign the application form.
7. ZBA variances may be required for the changes to Lots 1 and 2 because the lot areas and some setbacks are less than what is required in the SL zone. Planning Board determined that there is no increase in the existing variance so the Applicant does not need to go to the ZBA.
8. Realty Subdivision from OCDOH is required because the lot configuration was previously reviewed and approved by OCDOH (08/10/73 filed map #3043, OCDOH signed drawings on 08/07/73 and 02/17/77 filed map #4023, OCDOH signed drawings on 02/02/77).
9. The soil tests for Lot 3 must be witnessed by OCDOH.
10. The well for Lot 1 does not appear to be shown.
11. The septic systems for Lots 2 and 3 do not appear to be shown.
12. A note shall be added to the plan stating no further subdivision of lots 89-2-5, 89-2-6, and 89-2-7.
13. A separate description for each of the three lots must be submitted for review and then filed with the Orange County Clerk's Office.
14. Surveyor to certify that iron rods have been set at all property corners.
15. Payment of Recreational Fees.
16. Payment of all fees.

The following comment submitted by the Conservation Board:

Rosemarie Schreibeis and Katherine Rea – None submitted.

The following comment submitted by the ARB:

Rosemarie Schreibeis and Katherine Rea – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has already declared itself Lead Agency. It is an Unlisted Action. We have been reviewing the application with the short EAF. The property is located within an Agricultural area. It is located within the SL zoning district. It is also located within the Ridgeline Overlay District. The project has 3 existing lots. The applicant is looking to realign the lots.

Comment #2: Applicant to discuss project.

Kirk Rother: This is an application for a lot line change involving 3 existing tax lots that were part of a subdivision map that was filed in 1977. There is one large lot, lot #3. It is approximately 7.7 acres in size. It is currently a vacant lot that the applicant would like to put a single-family home on. The other two lots, lot # 1 and lot #2, one lot being approximately .96 acres in size and lot 2 is approximately 1.03 acres in size they would remain the same as far as the lot areas and any setbacks.

Comment #3: Conservation Board comments: 06/10/11 letter – no comments at this time.

Comment #4: Architectural Review Board comments: 05/31/11 email – no comments at this time.

Comment #5: OCPD GML Review: 05/31/11 no advisory comments.

Comment #6: The deed identifies that there are two owners of the property; all owners must sign the application form.

Connie Sardo: That has been done.

Mr. Astorino: Ok. We could strike comment #6.

Comment #7: ZBA variances may be required for the changes to Lots 1 and 2 because the lot areas and some setbacks are less than what is required in the SL zone. Planning Board determined that there is no increase in the existing setbacks and areas so the Applicant does not need to go to the ZBA.

Comment #8: Realty Subdivision from OCDOH is required because the lot configuration was previously reviewed and approved by OCDOH (08/10/73 filed map #3043, OCDOH signed drawings on 08/07/73 and 02/17/77 filed map #4023, OCDOH signed drawings on 02/02/77).

Mr. Astorino: Essentially, you will need to go back to the OCDOH.

Mr. Bollenbach: That is why we are doing a preliminary public hearing and a preliminary approval. After that, they would have to submit to the OCDOH. Then they would come back after that.

Mr. Astorino: Ok.

Comment #9: The soil tests for Lot 3 must be witnessed by OCDOH.

Kirk Rother: Yes.

Comment #10: The well for Lot 1 does not appear to be shown.

Kirk Rother: Right. We will add the well and septic.

Comment #11: The septic systems for Lots 2 and 3 do not appear to be shown.

Kirk Rother: We will add that.

Comment #12: A note shall be added to the plan stating no further subdivision of lots 89-2-5, 89-2-6, and 89-2-7.

Mr. Astorino: Is this the only one lot that you propose to put a house on?

Kirk Rother: Right. We will add a note to the plan stating no further subdivision of any of the lots.

Mr. Astorino: Ok.

Comment #13: A separate description for each of the three lots must be submitted for review and then filed with the Orange County Clerk's Office.

Kirk Rother: Ok.

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

Kirk Rother: Ok.

Comment #15: Payment of Recreational Fees.

Kirk Rother: Yes. Would that be just for the one lot?

Mr. Bollenbach: Yes.

Comment #16: Payment of all fees.

Kirk Rother: Ok.

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

Mr. McConnell: Am I correct in understanding that no construction is proposed at this time for this application?

Laura Barca: That was when we received the very first application that did not show a new house.

Mr. McConnell: That no longer pertains.

Mr. Astorino: No.

Laura Barca: That is correct.

Mr. McConnell: Just remind me on how it was resolved that this was originally marked as parkland.

Mr. Astorino: Laura, you explained that well the last time. You had done a lot of research on that.

Mr. Bollenbach: It was originally marked as park area in 1973. That was a requirement at that time. With this entire subdivision, there were 3 separate park area parcels. There are still 2 remaining. The practice back in 1973 was to offer parkland. They were little pocket parks. They are scattered all over the Town. The Town no longer has that policy. They are collecting the park fees so they could have other more developed park facilities. It was in 1977 with a subsequent approval that the Town Board actually had that removed from the map. The "park area" was removed from the map.

Mr. McConnell: It was from the map, not just from the Code.

Mr. Bollenbach: It was from the map.

Mr. McConnell: The Town Board had already acted on this 40 years ago.

Mr. Bollenbach: Yes. It was the Town Board acting as the Planning Board.

Mr. McConnell: Ok.

Mr. Astorino: Does the Board or Professionals have any other comments? This is a public hearing. If there is anyone wishing to address the Schreibeis-Rea application, please rise and state your name for the record.

Eric Dallendorfer: I live on Hunt Drive. On parcel 3, is there only one dwelling that could be erected?

Mr. Bollenbach: Yes.

Eric Dallendorfer: On parcel 2, there is an existing two-story framed building and a barn or shack behind it. There could be no further dwelling on that. Is that correct?

Mr. Astorino: There would be no further subdivision period.

Eric Dallendorfer: Ok. Lot 1 has a house on it. Lot 2 has a two-story framed dwelling on it. Lot 3 has a proposed dwelling to be put on it. Is that a single-family dwelling?

Mr. Astorino: Yes. It would be a single-family dwelling.

Mr. Bollenbach: Maybe we should add a map note to that effect to make sure it would only be for a single-family dwelling.

Mr. Astorino: Ok.

Eric Dallendorfer: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Schreibeis-Rea application?

Robert Vaneeuwen: Looking at the map, it is only a single-family dwelling that they want to build on lot 3. That is understandable. On the other lot, there is an existing single-family home, which is also understandable. On this other lot, there is a home or building with a 3 apartment building already. Would that go into a single-family home or would it remain as a 3 apartment building?

Mr. Astorino: Jim Obrotka, (Assistant Building Inspector) do you hear that? Maybe our Building Inspector could go out there and take a look at that. Jim, you came here at a good night.

Robert Vaneeuwen: I think it might have been 2 apartments. But, I believe it is 3 apartments.

Mr. Bollenbach: It would be listed in the Assessor's office.

Mr. Astorino: Jim, we will get you a copy. You could go out and take a look at that for us.

Robert Vaneeuwen: If that is the case, would they have to convert that back into a single-family home?

Mr. Bollenbach: I believe they were previously approved for single-family dwellings.

Mr. Astorino: We will have to check that out. We will have the Building Department take care of that.

Robert Vaneeuwen: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Schreibeis-Rea application?

Eric Dallendorfer: If lot 2 was a two-story dwelling, if it is listed on the books as a single-family dwelling, then I would like there to be a note added on the subdivision map stating that on all 3 parcels there would only be single-family dwellings on it.

Mr. Bollenbach: We could accommodate that.

Eric Dallendorfer: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Schreibeis-Rea application?

Mark Walter: I live on Hunt Drive. Regarding lot 2, I have been living next door to that lot for 11 years now. There were septic issues. The house that is currently on lot 2 was sharing a septic at one point in time with lot 1. That was part of a sale problem over the last 10 or 11 years. The property has been for sale as long as we have been living there. One of the main issues was the septic situation. I do not see anything on the site map. I

see the septic designation for the new lot, which is lot 3. I don't see anything involved with the other lot.

Mr. Astorino: We asked that question to the applicant. They would have to provide us with that information. This is only for preliminary approval. They will have to go to the OCHD. Kirk, we will need that information. Laura, could you check into that for us?

Laura Barca: Yes.

Mr. Bollenbach: Also, within the proximity to those ponds, you might want to do some dye tests.

Laura Barca: Yes.

Mark Walter: My concern was the fact that my well is only 50 feet from the one pond. I have tested my well prior to any building that went on. I have also tested my well after any building that went on.

Mr. Astorino: There are certain setbacks for the wells and septic especially with the Health Department. The OCHD is more stringent.

Mark Walter: Much of that property is as wetland. It is obvious that the lot 2 house will not be remaining as what it is. It would probably end up coming down. That house is a disaster. I know that. I live next to it.

Mr. Astorino: It would only be one house. There is only one house proposed. There are two existing houses and one proposed house.

Mark Walter: Ok. If you want to call the second one an existing house...

Mr. Bollenbach: Laura, have you been out there?

Laura Barca: No.

Mr. Bollenbach: Maybe you could go out there with Jim and take a look at it.

Laura Barca: Ok.

Mr. Astorino: Which one has the apartments in it?

Laura Barca: It is the second one. The little one.

Mark Walter: The person that was there was Macindoris who was the previous owner's family or nephew.

Mr. Astorino: Kirk, check into the small house to see if there are apartments. Check to see who is living there and how many kitchens.

Mr. Bollenbach: The Building Department might want to look at it to see if it is an unsafe structure.

Mark Walter: Do we get noticed again for the next public hearing?

Mr. Astorino: Yes. You will be notified by mail of the final public hearing.

Mark Walter: Thank you.

Mr. Astorino: Is there anyone else wishing to address the Schreibeis & Rhea application?
Let the record show no further public comment.

Mr. McConnell makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: Schreibeis Re-Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed Re-Subdivision of three lots of record, 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 4/27/11, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

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

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

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

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

Mr. McConnell makes a motion on the Rosemarie Schreibeis and Katherine Rhea application, granting Preliminary Approval of a proposed Lot Line Change, situated on tax parcels S 89 B 2 L 5, 6, & 7 parcels located on the western side of Belcher Road 2400 feet north of Kings Highway, in the RU zone, of the Town of Warwick, County of Orange, State of New York.

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

Kirk Rother: Thank you.

Review of Submitted Maps

Lands of Sayed Shah

Application for Site Plan Approval and Special Use Permit for the construction and use of a 7,200 square-foot commercial building, situated on tax parcel S 3 B 1 L 43; parcel located on the western side of County Route 1 980 feet north of Liberty Corners Road (831 C.R. 1), in the LB zone, of the Town of Warwick. Previously discussed at the 5/4/11 Planning Board Meeting.

Representing the applicant; Kirk Rother, Engineer. Mr. Lipman, Attorney. Mr. Sayed Shah, Applicant.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 06/10/11 no comments at this time; recommend increasing penalty for tree removal.
4. Architectural Review Board comments: 04/27/11 no comments at this time.
5. OCPD GML Review: 05/13/11; advisory comment of having a shared driveway.
6. The deed for the property has been provided and this information should be added to the Site Plan Application.
7. The deeds for the rights-of-way shown on the drawing should be submitted to gain a better understanding of who has access across these rights-of-way.
8. A signage and striping plan for both the proposed building on 3-1-43 and the existing structures on 3-1-44 should be prepared. This will show the purpose of the existing impervious area, which may be able to be reduced as part of this application.
9. The site plan shows a single unit truck entering the site, but does not show how this truck will park and load/unload from the building.
10. Applicant to clarify what the proposed use is of the building and have that information stated on the plans.
11. The proposed septic system discharge amount must be shown so that it can be determined who will be reviewing the proposed septic system.
12. The number of employees and other pertinent data must be shown to determine who will be reviewing the proposed water supply well.
13. Architectural information for the proposed structure will submitted for review and comment prior to an approval being granted.
14. A landscaping schedule will need to be added for the proposed plantings.
15. Planning Board to determine if letters must be sent to fire, police, and ambulance.
16. There is an existing right-of-way along the south end of the property; what is the purpose of this ROW?
17. There is an existing right-of-way that partially lies within the western edge of the property; what is the purpose of this ROW?
18. The proposed shared driveway easement stops approximately 2/3rds the way through the property; however, there appears to be an existing exit that continues through the entire property. The Applicant should clarify if the shared driveway easement should continue to the end of this property.

19. The proposed sign is shown within an existing right-of-way; can not have sign in this location unless have agreement with all who have a right to access this right-of-way or this easement needs to be abandoned.
20. Rip-rap inlets and outlets of all existing and proposed drainage pipes, including details.
21. Elevations should be shown for all existing and proposed drainage pipes.
22. OCDPW review and approval for the driveway entrance, even though it will be using an existing entrance. OCDPW may reduce the width of the existing entrance and propose improvements to be in compliance with its current entrance permit standards.
23. A shared driveway agreement for the driveways on lots 3-1-43 and 3-1-44 should be submitted; both are currently owned by Sayed Shah.
24. Private road use and maintenance information to be shown on the drawings.
25. The declaration information for the Agricultural Notes will need to be shown on the drawing.
26. Surveyor to certify that iron rods have been set at all property corners.
27. Payment of all fees.

The following comment submitted by the Conservation Board:

Lands of Sayed Shah – None submitted.

The following comment submitted by the ARB:

Lands of Sayed Shah – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has declared itself Lead Agency. There are a number of comments in the review comments tonight that relate to SEQR.

Comment #2: Applicant to discuss project.

Kirk Rother: The application before the Board is for site plan and special use permit for a proposed 7,200 square-foot commercial building. It is located in the LB zone in the Pine Island area off C.R. 1. We are proposing to have access to the property from an adjacent paved property that is also owned by the applicant. I believe the Board is aware that there has been some clearing done to the other property. Mr. Shah is dealing with the Building Department on that particular issue. It is around 16,000 square feet that was cleared.

Comment #3: Conservation Board comments: 06/10/11 no comments at this time; recommend increasing penalty for tree removal.

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

Comment #5: OCPD GML Review: 05/13/11; advisory comment of having a shared driveway.

Mr. Astorino: Essentially, you will be having a shared driveway. Is that correct?

Kirk Rother: Yes. They have patted us on the back with proposing it.

Comment #6: The deed for the property has been provided and this information should be added to the Site Plan Application.

Kirk Rother: I gave you a deed. I don't have the recorded deed with the liber and page. It takes the Title Company 3 or 4 months to get it in. Once we get it, we will add it.

Mr. Bollenbach: That is why you get a duplicate stamped immediately.

Comment #7: The deeds for the rights-of-way shown on the drawing should be submitted to gain a better understanding of who has access across these rights-of-way.

Kirk Rother: We have talked about this. I gave a copy of the Schedule A. Alan, I think you had said a title search might help clarify some of that.

Mr. Lipman: It certainly should.

Comment #8: A signage and striping plan for both the proposed building on 3-1-43 and the existing structures on 3-1-44 should be prepared. This will show the purpose of the existing impervious area, which may be able to be reduced as part of this application.

Kirk Rother: We talked about this at the Work Session. The signage and striping would be no problem. We are just concerned that we are opening up the entire site to review.

Mr. Astorino: We discussed this at the Work Session. The shared driveway with the striping has to show ingress and egress to make sure you don't have the cars on top of one another and to show arrows.

Kirk Rother: Ok. The only thing that remains in there that is a little troubling is that you may require to remove the existing blacktop on the other site.

Mr. Bollenbach: We have provisions in the Code for shared parking. It doesn't necessarily have to be on one parcel.

Kirk Rother: Ok.

Comment #9: The site plan shows a single unit truck entering the site, but does not show how this truck will park and load/unload from the building.

Kirk Rother: We will clarify that.

Comment #10: Applicant to clarify what the proposed use is of the building and have that information stated on the plans.

Mr. Lipman: I have told you that we were proposing another Use Group, it was Use Group #59. Unfortunately, there is a special condition #52 that refers to §164-47D(3)(d). It is stated as follows: *“Building footprint. In order to be consistent with the scale of buildings in traditional villages and hamlets, no single building shall have a building footprint exceeding 5,000 square feet”*. Until I arrived here tonight, I didn't realize that the foot print of this building was over 7,000 square feet. Then, the Code goes onto say; *“Exceptions may be made only if the facades of larger buildings are articulated to appear as multiple buildings”*. I don't know if you had ever applied that standard to anybody and what it specifically means.

Mr. Bollenbach: We definitively applied that to Price Chopper. We had different elevations and different facades to break it up so you wouldn't have one big mass.

Mr. Astorino: Right. This way you wouldn't have one big box.

Mr. Lipman: Could we do that?

Mr. Astorino: Yes.

Mr. Bollenbach: Painting different colors or varying facades. Yes. You could do that.

Mr. Astorino: I don't think you would have any trouble. That would be when you submit the architectural.

Mr. Lipman: Yes.

Kirk Rother: Does that apply to the other Use Group? I don't think it does.

Mr. Lipman: Do you mean the first one?

Kirk Rother: The other one I am talking about is Use Group 71.

Mr. Astorino: You are not proposing to put a square box out there. Is that correct?

Mr. Lipman: I don't think so.

Kirk Rother: It depends on what use you can put out there.

Mr. Astorino: I don't think there is much of a use where you could put a square box.

Mr. Lipman: With this use, the special requirement is not applicable.

Kirk Rother: Right. We could put a square box out there if we were Use #71, which is wholesale sales and storage.

Mr. Astorino: Are you going to be wholesale sales and storage?

Mr. Lipman: I don't even know what that is.

Mr. Bollenbach: You would also have the Design Standards.

Mr. Lipman: Both uses I am sure are subject to those requirements. I think we are more comfortable with the uses that are allowed in Use #59.

Mr. Astorino: I would think so. It seems you would be very limited under the wholesale use.

Mr. Lipman: Right. So, we might have to do something special.

Mr. Astorino: It could be done with paint, facades, or trim work.

Kirk Rother: If it could be that simple, then sure. But, we are talking about a metal building here.

Mr. Lipman: It is going to either one or the other. We will certainly be fixed in our minds to which it would be.

Mr. Astorino: Before we even have a public hearing, we would need to see designs. We would want to know what you would be putting into the 7,200 square-foot building. We would want to see what these designs would look like.

Mr. Bollenbach: We also want to see the landscaping.

Mr. Lipman: What do you mean by what we would be putting in there?

Mr. Astorino: What proposed Use Group will it be? Once you make that decision, then we would go from there.

Mr. Lipman: Ok. In that Use Group #59, uniquely so, these uses carry the legend P & S. I don't see how it could be both. It could only be one or the other. Unless, one use is permitted, and the other is specially permitted. I don't see any explanation for both in the Code.

Mr. Bollenbach: I will take a look into that.

Mr. Lipman: I think the logical conclusion is that it is P.

Mr. Astorino: John will take a look at that.

Comment #11: The proposed septic system discharge amount must be shown so that it can be determined who will be reviewing the proposed septic system.

Kirk Rother: Laura, maybe you missed it on the map. We added on the map water usage counts.

Laura Barca: I know they are on the map. The next couple of questions are along the same line. Depending on the use, I did not want to review that until we know the use. Depending on the use that may vary the number of employees, which would vary the water and septic.

Mr. Astorino: They would have to figure what they would be putting in there.

Mr. Lipman: I don't think the range is very great with the uses that are allowed. They are all low intensity uses.

Laura Barca: Yes.

Kirk Rother: Let's go back to the uses. Before Alan brought this up tonight Use #59, I show on the plans Use #71, which is Wholesale sales and storage. I show the bulk requirement criteria for that.

Laura Barca: Yes.

Kirk Rother: Your comment is to clarify what the proposed use is of the building.

Laura Barca: That comment was on there because at the Workshop Alan had said that he was going to clarify the use.

Mr. McConnell: If you want to set Use #71 tonight, then feel free to do so.

Kirk Rother: You are asking us to be more specific.

Mr. Astorino: It was brought up at the Workshop.

Comment #12: The number of employees and other pertinent data must be shown to determine who will be reviewing the proposed water supply well.

Kirk Rother: Right.

Comment #13: Architectural information for the proposed structure will submitted for review and comment prior to an approval being granted.

Kirk Rother: Yes.

Comment #14: A landscaping schedule will need to be added for the proposed plantings.

Mr. Astorino: That would float into the Standard Guidelines.

Kirk Rother: Are they Standards or Guidelines in this zone?

Mr. Astorino: They are Standards. Ted, is there a checklist for the Standards?

Mr. Fink: Yes.

Comment #15: Planning Board to determine if letters must be sent to fire, police, and ambulance.

Mr. Astorino: Yes. They should be sent to them.

Comment #16: There is an existing right-of-way along the south end of the property; what is the purpose of this ROW?

Kirk Rother: The title search would hopefully clear that up.

Comment #17: There is an existing right-of-way that partially lies within the western edge of the property; what is the purpose of this ROW?

Mr. Astorino: The title search will answer that.

Comment #18: The proposed shared driveway easement stops approximately 2/3rds the way through the property; however, there appears to be an existing exit that continues through the entire property. The Applicant should clarify if the shared driveway easement should continue to the end of this property.

Kirk Rother: Yes. What we have done was conceptually shown the ROW moved over to straddle the existing paved road that is out there. We are ok with making that revision subject to any other involved parties.

Laura Barca: Right. That comment is on there because it is in an agreement with the people that we don't know who they are yet.

Mr. McConnell: Would the title search clarify the purpose of the ROW or just who has benefits of the ROW?

Mr. Lipman: Only if the purpose is expressed in the document that establishes the ROW.

Mr. McConnell: Right. So, if it is not expressed there, how would we know the purpose of the ROW?

Mr. Bollenbach: In order to know that, we will need to get the title.

Mr. Lipman: We will try to get whatever we can.

Comment #19: The proposed sign is shown within an existing right-of-way; cannot have sign in this location unless have agreement with all who have a right to access this right-of-way or this easement needs to be abandoned.

Mr. Lipman: We will take care of that.

Comment #20: Rip-rap inlets and outlets of all existing and proposed drainage pipes, including details.

Kirk Rother: Ok.

Comment #21: Elevations should be shown for all existing and proposed drainage pipes.

Kirk Rother: Yes.

Comment #22: OCDPW review and approval for the driveway entrance, even though it will be using an existing entrance. OCDPW may reduce the width of the existing entrance and propose improvements to be in compliance with its current entrance permit standards.

Mr. Astorino: I bet they will.

Kirk Rother: Connie will send it to them.

Connie Sardo: Yes.

Comment #23: A shared driveway agreement for the driveways on lots 3-1-43 and 3-1-44 should be submitted; both are currently owned by Sayed Shah.

Mr. Lipman: Yes.

Comment #24: Private road use and maintenance information to be shown on the drawings.

Kirk Rother: No problem.

Comment #25: The declaration information for the Agricultural Notes will need to be shown on the drawing.

Kirk Rother: No problem.

Comment #26: Surveyor to certify that iron rods have been set at all property corners.

Kirk Rother: No problem.

Comment #27: Payment of all fees.

Kirk Rother: No problem.

Mr. Astorino: Do any Board members or Professionals have any comments at this time?

Mr. Bollenbach: Maybe Laura could take a look at prior approvals of the adjoining parcel. I don't recall site plan and special use approvals for those multiple uses in that structure. Laura take a look at that with the Building Department while it is before us right now to determine what uses there are. Then, we could use that in the calculations for parking requirements if indeed they would be having shared parking. We would have to know what uses and what uses were approved and what the parking requirements would be.

Mr. Lipman: I didn't have the impression that we were going to get into those issues on the existing building. I know there were Certificates of Occupancy issued for that building. There was at least one issued. I don't know how old that building is.

Mr. McConnell: Is it continuously used the way that is presently being used?

Mr. Lipman: For the same types of uses. Yes.

Mr. McConnell: Let's find out what they are.

Mr. Lipman: I don't have a problem with that. I have a question from the local Judge in Warwick. She is anxious to know how long this process would take. I misrepresented to her that you would be scheduling a hearing tonight. I gathered that from the Work Session. I do understand now why it would not be scheduled. When do you think it would be scheduled?

Mr. Astorino: We could set it for a public hearing. We could do that tonight. But, the ball would be in your court.

Mr. Bollenbach: We would need to receive all the information.

Mr. Astorino: We could do that this evening. It would save you from coming to another meeting.

Mr. Lipman: Fine.

Mr. McConnell: Would that solve your problem with the local Judge?

Mr. Lipman: I hope so.

Mr. McConnell makes a motion to set the Lands of Sayed Shah for a Public Hearing at the next available agenda.

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

Mr. Lipman: Thank you.

Kirk Rother: Thank you.

Pine Island Ambulance Corp. & Pine Island Fire District

Application for Sketch Plat Review & Final Approval of a proposed Lot Line Change, situated on tax parcels S 13 B 3 L 1 & 2; parcels located on the northeasterly side of O.C. Highway 1 at the intersection with Fire House Lane, in the LB/SL zones, of the Town of Warwick.

Representing the applicant: John McGloin, PLS.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 06/10/11 no comments.
4. Architectural Review Board comments: pending
5. OCPD: pending submittal
6. ZBA variances would be required for the changes to Lots 1 and 2 because the sideyard setback for Lot 1 is less than what is required in the LB zone (12.3-ft vs. 18-ft); however, according to §164-40.M #100, the property owned by the Fire District is exempt from the Town Zoning Law, so no variance is required.
7. There is an outstanding violation from the Town's Building Department for an open permit for an addition (10/25/90).
8. Final Checklist I and L.16 regarding 9-1-1 addresses need to be submitted and shown on the plan.
9. Dedication to Orange County for land within right-of-way of County Route No. 11; however, as noted above the Fire District is exempt from zoning.
10. Surveyor to certify that iron rods have been set at all property corners.
11. Payment of all fees.

The following comment submitted by the Conservation Board:

Pine Island Ambulance Corp. & Pine Island Fire District – None submitted.

The following comment submitted by the ARB:

Pine Island Ambulance Corp. & Pine Island Fire District – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The applicant has submitted a short EAF. It is an Unlisted Action. There are no other involved agencies. The Planning Board could go ahead and declare itself Lead Agency.

Mr. Kowal makes a motion for Lead Agency.

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

State Environmental Quality Review (SEQR)
Resolution Establishing Lead Agency
Unlisted Action Undergoing Uncoordinated Review

Name of Action: Pine Island Ambulance Re-Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by Pine Island Ambulance Corps. Inc. and Pine Island Fire District for a \pm 1.586 acre parcel of land located at Pine Island Turnpike, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 5/23/11 was submitted at the time of application, and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is an Unlisted action, and

Whereas, the Planning Board has determined that the proposed project is 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 no other involved and/or federal agencies on this matter.

Now Therefore Be It Resolved, that the Planning Board hereby declares itself Lead Agency for the review of this action.

Be It Further Resolved, that a Determination of Significance will be made at such time as all information has been received by the Planning Board to enable it to determine whether the action will or will not have a significant effect on the environment.

Comment #2: Applicant to discuss project.

John McGloin: The Pine Island Fire Department and the Ambulance Corp., proposes to exchange approximately 5,000 square feet to provide the Ambulance Corp., in the future if they need the ability to expand their base to fit additional ambulances in the building. It is an opportune time for them to do this.

Comment #3: Conservation Board comments: 06/10/11 no comments.

Comment #4: Architectural Review Board comments: pending

Comment #5: OCPD: pending submittal

Comment #6: ZBA variances would be required for the changes to Lots 1 and 2 because the side yard setback for Lot 1 is less than what is required in the LB zone (12.3-ft vs. 18-

ft); however, according to §164-40.M #100, the property owned by the Fire District is exempt from the Town Zoning Law, so no variance is required.

Comment #7: There is an outstanding violation from the Town's Building Department for an open permit for an addition (10/25/90).

John McGloin: That is being rectified. I had the Department contact the Building Department. It is in the works.

Mr. Bollenbach: We could strike comments 1 through 6. We will keep comment #7 as a place keeper.

Comment #8: Final Checklist I and L.16 regarding 9-1-1 addresses need to be submitted and shown on the plan.

John McGloin: Will do.

Comment #9: Dedication to Orange County for land within right-of-way of County Route No. 11; however, as noted above the Fire District is exempt from zoning.

Mr. Bollenbach: We could strike comment #9.

Comment #10: Surveyor to certify that iron rods have been set at all property corners.

John McGloin: Yes.

Comment #11: Payment of all fees.

John McGloin: Yes.

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

John McGloin: Mr. Chairman, we request to waive the public hearing.

Mr. Bollenbach: There is no construction proposed.

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

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

Mr. McConnell makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: Pine Island Ambulance Re-Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed Re-Subdivision between two existing lots of record, 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 5/23/11, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

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

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

Mr. Kowal makes a motion on the Pine Island Ambulance Corp., & Pine Island Fire District application, granting Final Approval of a proposed Lot Line Change, situated on tax parcels S 13 B 3 L 1 and L 2; parcels located on the northeasterly side of O.C. Highway 1 at the intersection with Fire House Lane, in the LB/SL zones of the Town of Warwick. A SEQR Negative Declaration was adopted on, June 15, 2011. Approval is granted subject to the following conditions:

1. There is an outstanding violation from the Town's Building Department for an open permit for an addition (10/25/90).
2. Final Checklist I and L.16 regarding 9-1-1 addresses need to be submitted and shown on the plan.
3. Surveyor to certify that iron rods have been set at all property corners.
4. Payment of all fees.

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

John McGloin: Thank you.

Normajeon Fusco Sectionalizing Plan

Application for Preliminary Approval for filing a 13-Lot cluster subdivision in Sections and Application for Final Approval for Section I to consist of a proposed 4-Lot cluster subdivision, situated on tax parcel S 18 B 1 L 31.2; parcel located on the southern side of Taylor Road with Jessup Road, in the RU zone, of the Town of Warwick. Original Final Approval was granted on, 7/21/10.

Representing the applicant: Dave Higgins from Lanc & Tully Engineering. Ira Emanuel, Attorney.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 06/10/11 supports open space on a single lot, as was done with this subdivision.
4. Architectural Review Board comments: pending
5. OCPD: pending submittal
6. Clarify that Open Space is included in Section 1 as part of Lot 1 (in the legend on Sheet 1 of 1).
7. A note should be added to the plans stating that there will be no temporary or permanent construction of any kind in the wetland area. This may require that the wetland area in the area of the crossings be clearly marked.
8. Lot 1 will retain the Open Space, but with deed restrictions; this verbiage must be agreed upon and placed on the plans by declaration.
9. Sheet 1, Note 27 (of the overall subdivision plan) shall be modified to include "...to Planning Board Attorney's Specifications."
10. Lot 1 will retain the Open Space, but with deed restrictions; this verbiage must be agreed upon and placed on the plans by declaration.
11. The technical bridge review comments that were included as conditions of the final approval will need to be satisfied for the bridge to Lots 12 and 13.
12. The declaration information for the Ridgeline and Agricultural Notes will need to be shown on the drawing.
13. A legal description and declaration for the dedication strip to the Town for highway purposes will need to be submitted.
14. Surveyor to certify that iron rods have been set at all property corners.
15. Payment of recreation fees.
16. Payment of all fees.

The following comment submitted by the Conservation Board:

Normajeon Fusco Sectionalizing Plan – None submitted.

The following comment submitted by the ARB:

Normajeon Fusco Sectionalizing Plan – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: SEQR has been fully complied with. The Planning Board has already issued a Negative Declaration on this application. There is no need to reopen SEQR. There are no significant changes that would result in any adverse impacts.

Comment #2: Applicant to discuss project.

Dave Higgins: This subdivision received conditional final approval on 7/21/10. Since that time, we have received some extensions. What Mrs. Fusco is looking to do is move forward with this project in a sectionalizing manner in order to reduce some of the capital costs that are required up front. If you remember originally, this was a 13-lot with lot 1 being the existing farmhouse with the remaining space being preserved as open space. Lots 2 through 11 which went around a new proposed private road with lots 12 and 13 having a common driveway off Taylor Road. Essentially, what we are proposing to do is to subdivide this as a sectionalized with subdivision. Section 1 would consist of lot 1, which is the existing home and the open space land. Lots 12 and 13 in the back. Looking at the map, this other portion of the property would be Section 2. We have two plans that we have presented to the Board. One plan is the overall subdivision-sectionalizing plan. The other plan is the final subdivision plan for Section 1 of the subdivision. What we have done on the plan, it shows lot 1, lot 12, and lot 13. Then, we show a house, driveway, septic system, and a well for lot 11. This would potentially be subdivided in the future as part of the sectionalizing plan.

Comment #3: Conservation Board comments: 06/10/11 supports open space on a single lot, as was done with this subdivision.

Comment #4: Architectural Review Board comments: pending

Comment #5: OCPD: pending submittal

Comment #6: Clarify that Open Space is included in Section 1 as part of Lot 1 (in the legend on Sheet 1 of 1).

Mr. Astorino: You have done that.

Comment #7: A note should be added to the plans stating that there will be no temporary or permanent construction of any kind in the wetland area. This may require that the wetland area in the area of the crossings be clearly marked.

Dave Higgins: Will do.

Comment #8: Lot 1 will retain the Open Space, but with deed restrictions; this verbiage must be agreed upon and placed on the plans by declaration.

Dave Higgins: Will do.

Comment #9: Sheet 1, Note 27 (of the overall subdivision plan) shall be modified to include "...to Planning Board Attorney's Specifications."

Dave Higgins: Fine.

Comment #10: Lot 1 will retain the Open Space, but with deed restrictions; this verbiage must be agreed upon and placed on the plans by declaration.

Dave Higgins: Ok.

Comment #11: The technical bridge review comments that were included as conditions of the final approval will need to be satisfied for the bridge to Lots 12 and 13.

Dave Higgins: When we had the condition of final approval last July, that was made as a condition for something to be done prior to the issuance of a building permit for those two lots. Obviously, they would have to bond with those amounts for the construction. But in terms of the detailed engineering plans and the structural analysis, that would be done at the time of the issuance of the building permits.

Mr. Bollenbach: We might want to have that done now. If this is the section that is being approved, this bridge was a significant structure if I remember correctly. I think we might want to have that design done now.

Mr. Astorino: It is a concrete box. Is that correct?

Dave Higgins: It is a concrete structure. One of the other reasons why we would prefer to hold off on doing that right now is that it would be an expensive structure. The structure itself would cost about \$80,000. The construction of the road and the improvements, we had submitted a cost estimate related to all the improvements of that driveway for those two lots and the crossing would cost about \$150,000. There is a fair chance that someone might come along and decide to purchase both lots. They might want to consolidate them into one and only develop them with a single driveway would be sufficient to serve. This way they might not have to spend \$150,000.00 to put in a driveway up to a nice lot. They might want to have one secluded lot in that area of the site. Providing a detailed design and analysis of everything of the structure seems to be premature. I don't see the reason why it would have to be done now. That wasn't the case last year when we made the application and there would be approved lots. It was agreed that it would be done prior to the issuance of building permits.

Mr. Astorino: What is the Board's pleasure?

Laura Barca: Under the condition of the approval, you are willing to bond them now.

Mr. Astorino: You would bond them now to the full amount. Is that correct?

Dave Higgins: All of the construction costs for the common driveway and the culvert would be roughly \$150,000.00. That is bondable.

Laura Barca: Ok.

Mr. Astorino: I don't have a problem with that.

Mr. McConnell: I don't have a problem with that.

Mr. Astorino: Laura, would there also be an inspection fee on that culvert?

Laura Barca: Yes.

Dave Higgins: We also agreed to that as well.

Mr. Astorino: Ok. There will be an inspection fee tied to that when that goes in.

Dave Higgins: Right. There were also notes on this about a year ago that the Town wouldn't ever be responsible for repairs or anything else along those lines.

Mr. Astorino: Right. I remember that. We had a big discussion about that.

Mr. Bollenbach: Comment #11, we will add to that comment prior to the issuance of a building permit.

Mr. Astorino: Right.

Comment #12: The declaration information for the Ridgeline and Agricultural Notes will need to be shown on the drawing.

Ira Emanuel: Ok.

Comment #13: A legal description and declaration for the dedication strip to the Town for highway purposes will need to be submitted.

Ira Emanuel: No problem.

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

Dave Higgins: Yes.

Comment #15: Payment of recreation fees.

Ira Emanuel: Yes.

Laura Barca: Would the recreation fees be a payment of 4 lots in Section 1?

Ira Emanuel: It would be a payment of 3 lots.

Laura Barca: Ok. It would only be payment on 3 lots because there is one existing lot.

Mr. McConnell: Do you need stone cairns on the open space?

Mr. Astorino: Yes.

Dave Higgins: Right.

Mr. Astorino: We will add that to comment #14 regarding the stone cairns. I received the driveway entrance permit. That will be done tomorrow.

Dave Higgins: Thank you.

Mr. Astorino: Would that be done and paved within that section the first 25 feet?

Dave Higgins: Yes. The first 25 feet would be paved. Then after that, the rest of the driveway would be graveled.

Mr. McConnell: Is there any clearing that needs to be done while you are doing that?

Dave Higgins: It would be just for the driveway. That is shown on the plans.

Mr. Astorino: They provided a driveway entrance permit.

Mr. McConnell: I thought that was for the first 25 feet.

Mr. Astorino: It is.

Mr. McConnell: I am hearing something that suggests more than the first 25 feet.

Mr. Astorino: They could build the driveway if they get approval.

Mr. McConnell: I understand it now. It was my confusion.

Comment #16: Payment of all fees.

Ira Emanuel: Yes.

Mr. Astorino: Does the Board or Professionals have anything further? John, this doesn't require a public hearing. Is that correct?

Mr. Bollenbach: The Board could waive a public hearing.

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

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

Mr. Astorino: Just for the record, that nothing has changed in this subdivision since it was approved last July of 2010.

Mr. Bollenbach: It is functionally independent. If Section II doesn't proceed, they are independent.

Mr. Kowal makes a motion on the Normajean Fusco Sectionalizing Plan, granting Preliminary Approval for filing a 13-Lot cluster subdivision in Sections, situated on tax parcel S 18 B 1 L 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.

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

Mr. Kowal makes a motion on the Normajean Fusco Sectionalizing Plan, granting Final Approval for filing a 13-Lot cluster subdivision in Sections, Section I to consist of a proposed 4-Lot cluster subdivision, situated on tax parcel S 18 B 1 L 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. Final Approval for Section I subject to the following conditions:

1. A note should be added to the plans stating that there will be no temporary or permanent construction of any kind in the wetland area. This may require that the wetland area in the area of the crossings be clearly marked.
2. Clarify that Open Space is included in Section I as part of Lot 1 (in the legend on Sheet 1 of 1).
3. Lot 1 will retain the Open Space, but with deed restrictions; this verbiage must be agreed upon and placed on the plans by declaration.
4. Sheet 1, Note 27 (of the overall subdivision plan) shall be modified to include "...to Planning Board Attorney's Specifications."
5. The technical bridge review comments that were included as conditions of the final approval will need to be satisfied for the bridge to Lots 12 and 13 prior to the issuance of a Building Permit.
6. The declaration information for the Ridgeline and Agricultural Notes will need to be shown on the drawing.
7. A legal description and declaration for the dedication strip to the Town for highway purposes will need to be submitted.
8. Surveyor to certify that iron rods have been set at all property corners and cairns placed to demark open space.
9. Payment of recreation fees.
10. Payment of all fees.

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

Dave Higgins: Thank you.

Bonanza Ranch, LLC.

Application for Site Plan Approval for the construction and use of removal of existing buildings, driveway improvements, and single-family new dwelling, situated on tax parcel S 19 B 1 L 13; project located on the eastern side of State Highway 94/17A 200 feet north of Minturn Road, in the RU zone, of the Town of Warwick.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Lorraine and Lawrence Mettler, Applicants.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 06/10/11 letter – comments pending site inspection.
4. Architectural Review Board comments: Comments pending.
5. OCPD GML Review: pending submittal.
6. Application Form must be signed by Applicant.
7. The short EAF received was not signed or dated.
8. National Wetlands Inventory Mapping must be submitted.
9. Service Capacity Letters to be sent to school, police, fire, and ambulance.
10. A site inspection is scheduled for June 15, 2011; new comments may be pending the site inspection.
11. Septic system has been reviewed and approved by the Town Engineer.
12. There are some tree locations shown on the plans, but only some trees are called out with size and species. All trees shown should be called out with size and species.
13. The Biodiversity Overlay District should be added to Note #9; this property is partly within this overlay district.
14. The building height is shown in the Zoning Table on Sheet 1 as being 35-ft; this should be revised to reflect that only 25-ft is allowed in the Ridgeline Overlay.
15. Applicant will need to coordinate with NYSDOT because current permit expires 07/31/11.
16. The proposed limits of disturbance should be shown as a note on the plan.
17. A note shall be added to the plan stating that no site preparation or construction shall commence until a valid entrance permit has been secured from the New York State Department of Transportation.
18. A note should be added to the plan stating that all utilities will be installed underground.
19. The standard notes for Driveways longer than 1000-ft and steeper than 10% must be added to the plans.
20. Driveway Note #3 should be added that states that is the driveway is more than 10% at any point, then the entire driveway must be paved in its entirety.
21. The location and height of the retaining wall should be clarified, as well as what the appearance of the retaining wall; the visibility from Route 94 should also be clarified.
22. A line-of-sight profile has been submitted for review.
23. Sheet 4 states that the proposed farm house will be 35-ft tall; the ridge line overlay restricts the structure to 25-ft tall; this note should be adjusted.
24. On Sheet 4, there is an approximately 5-ft tall object behind a stand of 3 trees; this object should be identified.
25. Declarations shall be recorded for the Ridgeline Overlay and Agricultural Notes.
26. Surveyor to certify that iron rods have been set at all property corners.

27. Payment of all fees.

The following comment submitted by the Conservation Board:

Bonanza Ranch, LLC. – None submitted.

The following comment submitted by the ARB:

Bonanza Ranch, LLC. – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The applicant has submitted a short EAF. It is an Unlisted Action. There are no other involved agencies. The Planning Board could go ahead and declare itself Lead Agency.

Mr. Kennedy makes a motion for Lead Agency.

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

617.6

State Environmental Quality Review (SEQR)
Resolution Establishing Lead Agency
Unlisted Action Undergoing Uncoordinated Review

Name of Action: Bonanza Ranch Site Plan

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan application by Bonanza Ranch LLC for a ± 53.6 acre parcel of land located at State Route 94/17A, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated June 8, 2011 was submitted at the time of application, and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is an Unlisted action, and

Whereas, the Planning Board has determined that the proposed project is within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) apply meaning that an Agricultural Data Statement must be submitted, forwarded to the owners of farm operations within 500 feet of the site and then considered by the Planning Board, 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 Planning Board had just done a site visit this evening. The applicants had just purchased the property recently. It previously was a house laid out low on the property on Route 94. That house hasn't been lived in for decades. They have demolished that house. The applicants proposed a long driveway up the hill.

Mr. Bollenbach: There was a demolish permit obtained.

Dave Getz: Yes. The proposal is for a single-family residence. It would be a long driveway going towards the top of the hill. They want to continue the agricultural uses that are currently being done on the property. It is also located within the Ridgeline Overlay District, which is an important factor.

Mr. Astorino: I am going to add another comment tonight. Planning Board to discuss site visit. We were out to the site tonight. We came to two things that we discussed. We talked about putting some screening out by Route 94 which is also your property. We talked about putting a berm up and putting in some 10' to 12' evergreen trees. You will need to show them on the plan. You will need to space them accordingly. Ted, I am sure you will review that. Is there any particular type of evergreen that would be a hardy evergreen? I think the Norway spruce would be a good one.

Mr. Fink: The Norway spruce would be more appropriate than the white pines.

Mr. Astorino: I agree with that. We don't want something that would break in an ice storm.

Lawrence Mettler: What about spacing?

Mr. Astorino: Ted, what is the average spacing for the Norway spruce trees?

Mr. Bollenbach: We will take a look into that.

Mr. Fink: Yes. I will take a look into that. We will figure that one out.

Mr. Astorino: Ok. Dave, get in touch with Ted on that.

Dave Getz: Ok.

Mr. Astorino: Also, you will need trees behind the house site.

Lorraine Mettler: Yes. That would be in the circle.

Mr. Astorino: Show them on the plan. Ted could review that. Do any Board members that were out to the site have anything to add?

Mr. McConnell: You might want to consider putting some trees closer to the house. It doesn't mean you would have to. You might just want to consider that. You might want to consider putting some trees closer to the house between the house and Route 94. That would break up the line to the house.

Dave Getz: Ok.

Comment #3: Conservation Board comments: 06/10/11 letter – comments pending site inspection.

Comment #4: Architectural Review Board comments: Comments pending.

Comment #5: OCPD GML Review: pending submittal.

Comment #6: Application Form must be signed by Applicant.

Dave Getz: That has been done.

Connie Sardo: Yes. That has been done.

Comment #7: The short EAF received was not signed or dated.

Dave Getz: Will do.

Comment #8: National Wetlands Inventory Mapping must be submitted.

Dave Getz: That has been done.

Mr. Fink: We could strike comment #8. We have that.

Comment #9: Service Capacity Letters to be sent to school, police, fire, and ambulance.

Dave Getz: Will do.

Comment #10: A site inspection is scheduled for June 15, 2011; new comments may be pending the site inspection.

Mr. Astorino: We already discussed that.

Comment #11: Septic system has been reviewed and approved by the Town Engineer.

Mr. Astorino: How many bedrooms would this house have?

Dave Getz: It's going to be a 3-bedroom house.

Comment #12: There are some tree locations shown on the plans, but only some trees are called out with size and species. All trees shown should be called out with size and species.

Mr. Astorino: That was something we also discussed.

Dave Getz: Yes. I am not sure what you want us to do about that.

Laura Barca: That was when we talked about the Surveyor taking out some of the trees. You already show the trees. If he has the size and species, put them on the plan.

Mr. Astorino: There are not trees standing out. You are not taking any down.

Lorraine Mettler: We are not taking any trees down.

Laura Barca: No. They are not taking any trees down. The plan looks a little awkward because you have all of this wooded area. We know that is woods. But then, you have a tree placed here and there.

Mr. Astorino: You are not touching them. Just remove them from the map. Clear it up a little.

Dave Getz: Ok.

Mr. McConnell: Remove them from the map. You are not giving them approval to remove them from the land.

Dave Getz: It is not the trees. It is the labels.

Mr. McConnell: Ok.

Comment #13: The Biodiversity Overlay District should be added to Note #9; this property is partly within this overlay district.

Laura Barca: It is not in the Biodiversity Overlay District. We could strike comment #13.

Comment #14: The building height is shown in the Zoning Table on Sheet 1 as being 35-ft; this should be revised to reflect that only 25-ft is allowed in the Ridgeline Overlay.

Dave Getz: We will make that change.

Comment #15: Applicant will need to coordinate with NYSDOT because current permit expires 07/31/11.

Dave Getz: We request permission. It sounds like the Town doesn't need to do that.

Mr. Astorino: I will explain that. The NYSDOT issued a permit for going in 50 feet of pavement to their specs. I don't know if the Town has a say in that. They could go ahead and do that at any time they wish to. Just don't go beyond and make the driveway until you get approval from us.

Dave Getz: Ok.

Mr. Fink: SEQR does have a prohibition on that. It's not just the construction of the driveway but simply fulfilling the terms of the DOT permit for the property as it exists.

Mr. Astorino: That is going to be the existing spot where they would be entering anyhow.

Mr. Fink: Right.

Mr. Astorino: Ok.

Comment #16: The proposed limits of disturbance should be shown as a note on the plan.

Dave Getz: Will do.

Comment #17: A note shall be added to the plan stating that no site preparation or construction shall commence until a valid entrance permit has been secured from the New York State Department of Transportation.

Mr. Astorino: We just talked about that. We could strike comment #17.

Comment #18: A note should be added to the plan stating that all utilities will be installed underground.

Dave Getz: Yes.

Comment #19: The standard notes for Driveways longer than 1000-ft and steeper than 10% must be added to the plans.

Dave Getz: Ok.

Mr. Astorino: You said that you would keep it under 10%.

Dave Getz: Yes.

Comment #20: Driveway Note #3 should be added that states that is the driveway is more than 10% at any point, then the entire driveway must be paved in its entirety.

Dave Getz: Right.

Comment #21: The location and height of the retaining wall should be clarified, as well as what the appearance of the retaining wall; the visibility from Route 94 should also be clarified.

Dave Getz: We will clarify that and provide details.

Comment #22: A line-of-sight profile has been submitted for review.

Mr. Astorino: I think we discussed that with putting the berm up higher and planting those trees.

Dave Getz: Yes.

Comment #23: Sheet 4 states that the proposed farm house will be 35-ft tall; the ridge line overlay restricts the structure to 25-ft tall; this note should be adjusted.

Dave Getz: Ok.

Comment #24: On Sheet 4, there is an approximately 5-ft tall object behind a stand of 3 trees; this object should be identified.

Dave Getz: It is shown as a hump.

Laura Barca: We could strike comment #24.

Comment #25: Declarations shall be recorded for the Ridgeline Overlay and Agricultural Notes.

Dave Getz: Ok.

Comment #26: Surveyor to certify that iron rods have been set at all property corners.

Dave Getz: Ok.

Laura Barca: Since this a site plan, does comment #26 apply in this case?

Mr. Bollenbach: No.

Laura Barca: Ok. We could strike comment #26.

Comment #27: Payment of all fees.

Dave Getz: Ok.

Mr. Astorino: Just for the record, there is no further subdivision proposed at this time on this parcel. Is that correct?

Lawrence Mettler: That is correct.

Mr. Astorino: What about the next parcel over? Do you propose anything at this time?

Lawrence Mettler: No. There is nothing proposed on the other parcel.

Mr. Astorino: Do any Board members or Professionals have anything further?

Mr. McConnell: I just wanted to go back to the line-of-sight profile. We talked about building a berm and putting in 10 to 12 foot trees. Ted, could you review the line-of-sight profile to make sure what size the berm needs to be? We could make it subject to the Town Planner's review.

Mr. Astorino: We could do that. Dave, touch base with Ted on that.

Dave Getz: Ok.

Mr. Astorino: Does anybody have anything further?

Dave Getz: We request to be set for a public hearing.

Mr. Astorino: We could set this application for a public hearing for the 7/20/11 Planning Board meeting. Would you have everything ready for us?

Dave Getz: Yes.

Mr. McConnell makes a motion to set the Bonanza Ranch, LLC., application for a public hearing at the July 20, 2011 Planning Board meeting.

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

Dave Getz: Thank you.

Lorraine Mettler: Thank you.

Lawrence Mettler: Thank you.

Other Considerations:

1. **Adele Grill Subdivision** – Letter from Adele Grill, dated 5/6/11 addressed to the Planning Board, in regards to Grill Subdivision – requesting **4th 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 feet north of Pine Island Turnpike, in the RU zone. Amended Re-Approval of conditional Final Approval was granted on 7/15/09 became effective on, 5/7/09. The 3rd Re-Approval was granted on 6/2/10 became effective on, 5/7/10. *The applicant has stated that due to tight credit and the poor economy, the 4th Re-Approval is needed.* The 4th Re-Approval of Final Approval becomes effective on, 5/7/11, subject to the conditions of Amended Re-Approval of Final Approval granted on 7/15/09 effective on 5/7/09.

Mr. McConnell makes a motion on the Adele Grill Subdivision application, granting **4th 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 4th Re-Approval of Final Approval becomes effective on, 5/7/11.

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

2. **Douglas Tinnirello Subdivision** – Letter from Douglas Tinnirello, dated 6/1/11 received on 6/7/11 addressed to the Planning Board in regards to the Tinnirello Subdivision – requesting **2nd Re-Approval** of Final Approval of a proposed 3-Lot cluster subdivision, situated on tax parcels SBL 49-1-56 & 45.42; parcels located on the southeast side of State Highway 94 1000 feet southwest of Wawayanda Road, in the RU zone. Conditional Final Approval was granted on 6/17/09. The 6 Month Extension on the Re-Approval of Final Approval was granted on, 12/15/10 became effective on, 12/17/10. *The applicant has stated that due to the depressed state of the economy, he needs time to get some funds together.* The 2nd Re-Approval of Final Approval becomes effective on, 6/17/11.

Mr. McConnell makes a motion on the Douglas Tinnirello Subdivision application, granting **“2nd 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. The 2nd Re-Approval of Final Approval becomes effective on, 6/17/11.

Seconded by Mr. Kennedy. Motion carried 4-Ayes.

3. **Planning Board Minutes of 6/1/11** – Planning Board Minutes of 6/1/11 for Planning Board Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 6/1/11.

Seconded by Mr. Kowal. 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 June 15, 2011 Planning Board meeting.

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