

TOWN OF WARWICK PLANNING BOARD

June 15, 2016

Members present: Chairman, Benjamin Astorino
Dennis McConnell, Bo Kennedy,
John MacDonald, 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 15, 2016 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 The Gables At Warwick

Application for “*Amended*” Final Approval of a proposed 15-Lot Cluster subdivision, situated on tax parcel S 44 B 1 L 132; parcel located on the southern side of State Hwy 17A at the intersection of east end of Ketchum Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. Continued Public Hearing from the May 25, 2016 Planning Board Meeting.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Bruce Zaretsky, Applicant.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – 05/17/16 no comments
4. Architectural Review Board – pending comments
5. OC Planning Department – 10/21/15 site access, OCDOH approval, rec facilities, trout stream, and lot numbering
6. TW Building Department – vacant; no violations
7. NYSDOT – Applicant to provide status of approval; Applicant to provide Sheet 23 of 25, last revised 12/01/06
8. The Gables at Warwick Subdivision plans were for the most part reviewed by the previous Planning Board Engineering Company (Tectonic Engineering and Surveying). HDR has only reviewed the plans to ensure compliance with the Conditions of Final Approval and to ensure that all permits granted at that time are still valid. HDR did not review engineering or design aspects such as roadway design, stormwater plans, and septic system/well designs; these items were previously reviewed and approved by others.
9. Sheet 23 of 25 indicates that there is an USACE permit #2002-00818-YS dated August 29, 2003 for this project. Please submit a copy/scan of this permit.

10. Sheet 23 of 25 indicates that the 2003 wetland delineation was updated in December 2015; however the new names provided for the wetlands are confusing and likely do not correspond with USACE permit #2002-00818-YS. Applicant to clarify wetland names.
11. An aquifer assessment will need to be submitted. (under review by Town Planner)
12. The water supply will be reviewed and approved by Orange County Department of Health.
13. The septic systems will be reviewed and approved by Orange County Department of Health.
14. Applicant to confirm that the landscaping proposed is in compliance with the Town code requirements.
15. Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." Shown on Sheet 1, Note 30
16. Applicant to clarify if the revised property lines will require the removal of any significant trees identified on Sheet 1, Note 24.
17. Sheet 1, Note 12 (no future subdivision with OCDOH approval) and Sheet 1, Note 27 (three additional lots can be subdivided because the Yield Plan had 18 lots) shall be combined into one note. Sheet 1, Note 12 shall be revised to state "There shall be no future subdivision of any lot."
18. Show eight trees to be planted on each lot for screening, per §164-47.1F(3)(c)[1], on the Typical Lot Layout, sheet 16. Revise landscape screening along Route 17A to Town Planner's specifications.
19. Identify significant trees on Landscape Plan [sheet 25]. Reference details and notes for the preservation of significant trees on site.
20. Revise Lot Layout Plan [Sheets 4A & 4B] so that metes and bounds are consistent with the final lot layout. Eliminate overlapping text. Overlapping text has been corrected; pending surveyor to final metes and bounds.
21. Proposed roadway will require waivers for the roadway (1) §168-13 distance between catch basins from 200-ft required to 400-ft proposed (unless man holes are catch basins), (2) §168-17 slope from 10% maximum to 11.5% maximum, (3) §168-20 horizontal sight distance at intersection of Town Roads, (4) §A168 Attachment 1: side-slopes from the required 2:1 to the proposed 3:1, and potential radii of curvature and vertical curves.
22. Applicant to clarify purpose of island at entrance to subdivision and expand upon signage/stripping shown on the Sheet 12, including which driver has the right-of-way when entering the subdivision.
23. The street sign details shown on Sheet 17 of 25 need to be shown with the post and the height of the sign.
24. The locations of the proposed 15mph speed limit sign must be shown on the drawings.
25. Applicant should show a connection to the existing Orange County Park Property.
26. Language allowing wells and septic systems shall be added to allowed uses within the Open Space notes on Sheet 2 of 25.
27. Provide Model Home ~~and Water District~~ Notes per the Planning Board Attorney's specifications.
28. Town Board to approve ~~Water and Drainage Districts~~ Notes per Planning Board Attorney's specifications.
29. Provide the declaration and recording information on the plan for the for the current Ridgeline Overlay Notes, current Aquifer Protection Overlay Notes, Open Space Conservation, and Homeowner's Association to the PB Attorney's specifications.
30. Provide the declaration and recording information on the plan for HOA ownership and maintenance of drainage and stormwater management facilities. Provide easement descriptions for the PB Attorney's review and approval.

31. List all dedicated areas and easements, their locations in the plan set, and recording information (date, liber, and page) on sheet 2.
32. Applicant to submit Construction Cost estimate and landscaping cost estimate.
33. Pay Performance Bond and Construction Inspection Fee for Town road, Stormwater Management Facilities, and Erosion Control.
34. Pay Landscape Maintenance Bond (three-year term) for screening plantings and hydric plantings at stormwater management facilities.
35. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at all conservation area corners.
36. Payment of parkland fees per §75-3.A(2)(a)(3) for 15 lots.
37. Payment of all fees.

The following comment submitted by the Conservation Board:

The Gables At Warwick – None submitted.

The following comment submitted by the ARB:

The Gables At Warwick – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board had already addressed SEQRA. The Planning Board adopted a Negative Declaration back in 2005. SEQRA has been fully addressed.

Mr. Astorino: We referenced all of these comments the last time. There was only the one issue of the Yield Plan Lot 18 lots that were proposed, which is now 15 lots. We clarified the note. We discussed it at the last Work Session on what and how the note reads. I think everyone is up to speed on that. Dave, do you have any questions about that?

Dave Getz: No.

Mr. Astorino: I believe we are good to go on that? John, Ted & Laura, is that correct?

Laura Barca: That would be Comment #17.

Mr. Bollenbach: We had a draft. Mr. Lipman had provided something. I had marked it up. I forwarded it to the Planning Board for their review. I don't know if the Board had any concerns.

Mr. Astorino: I don't believe so. We went through every one of these comments the last time. That was the only outstanding issue. I will read that comment. Comment #17 Sheet 1, Note 12 (no further subdivision without OCDOH approval) and Sheet 1, Note 27 (three additional lots can be subdivided because the Yield Plan had 18 lots) shall be combined into one note. Sheet 1, Note 12 shall be revised to state "There shall be no future subdivision of any lot".

Dave Getz: We now have a note that covers those.

Mr. Astorino: It covers everything. It is done. Do any Board members or Professionals have any comments? We will list Comments 2 through 37 for the record. This is a public hearing. If there is anyone in the audience wishing to address the Gables Subdivision application, please rise and state your name for the record. Let the record show no public comment.

Comment #2: Applicant to discuss project.

Comment #3: Conservation Board – 05/17/16 no comments

Comment #4: Architectural Review Board – pending comments

Comment #5: OC Planning Department – 10/21/15 site access, OCDOH approval, rec facilities, trout stream, and lot numbering

Comment #6: TW Building Department – vacant; no violations

Comment #7: NYSDOT – Applicant to provide status of approval; Applicant to provide Sheet 23 of 25, last revised 12/01/06

Comment #8: The Gables at Warwick Subdivision plans were for the most part reviewed by the previous Planning Board Engineering Company (Tectonic Engineering and Surveying). HDR has only reviewed the plans to ensure compliance with the Conditions of Final Approval and to ensure that all permits granted at that time are still valid. HDR did not review engineering or design aspects such as roadway design, stormwater plans, and septic system/well designs; these items were previously reviewed and approved by others.

Comment #9: Sheet 23 of 25 indicates that there is an USACE permit #2002-00818-YS dated August 29, 2003 for this project. Please submit a copy/scan of this permit.

Comment #10: Sheet 23 of 25 indicates that the 2003 wetland delineation was updated in December 2015; however the new names provided for the wetlands are confusing and likely do not correspond with USACE permit #2002-00818-YS. Applicant to clarify wetland names.

Comment #11: An aquifer assessment will need to be submitted. (under review by Town Planner)

Comment #12: The water supply will be reviewed and approved by Orange County Department of Health.

Comment #13: The septic systems will be reviewed and approved by Orange County Department of Health.

Comment #14: Applicant to confirm that the landscaping proposed is in compliance with the Town code requirements.

Comment #15: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Shown on Sheet 1, Note 30

Comment #16: Applicant to clarify if the revised property lines will require the removal of any significant trees identified on Sheet 1, Note 24.

Comment #17: Sheet 1, Note 12 (no future subdivision without OCDOH approval) and Sheet 1, Note 27 (three additional lots can be subdivided because the Yield Plan had 18 lots) shall be combined into one note. Sheet 1, Note 12 shall be revised to state “There shall be no future subdivision of any lot.”

Comment #18: Show eight trees to be planted on each lot for screening, per §164-47.1F(3)(c)[1], on the Typical Lot Layout, sheet 16. Revise landscape screening along Route 17A to Town Planner’s specifications.

Comment #19: Identify significant trees on Landscape Plan [sheet 25]. Reference details and notes for the preservation of significant trees on site.

Comment #20: Revise Lot Layout Plan [Sheets 4A & 4B] so that metes and bounds are consistent with the final lot layout. Eliminate overlapping text. Overlapping text has been corrected; pending surveyor to final metes and bounds.

Comment #21: Proposed roadway will require waivers for the roadway (1) §168-13 distance between catch basins from 200-ft required to 400-ft proposed (unless man holes are catch basins), (2) §168-17 slope from 10% maximum to 11.5% maximum, (3) §168-20 horizontal sight distance at intersection of Town Roads, (4) §A168 Attachment 1: side-slopes from the required 2:1 to the proposed 3:1, and potential radii of curvature and vertical curves.

Comment #22: Applicant to clarify purpose of island at entrance to subdivision and expand upon signage/stripping shown on the Sheet 12, including which driver has the right-of-way when entering the subdivision.

Comment #23: The street sign details shown on Sheet 17 of 25 need to be shown with the post and the height of the sign.

Comment #24: The locations of the proposed 15mph speed limit sign must be shown on the drawings.

Comment #25: Applicant should show a connection to the existing Orange County Park Property.

Comment #26: Language allowing wells and septic systems shall be added to allowed uses within the Open Space notes on Sheet 2 of 25.

Comment #27: Provide Model Home and Water District Notes per the Planning Board Attorney's specifications.

Comment #28: Town Board to approve ~~Water and~~ Drainage Districts Notes per Planning Board Attorney's specifications.

Comment #29: Provide the declaration and recording information on the plan for the for the current Ridgeline Overlay Notes, current Aquifer Protection Overlay Notes, Open Space Conservation, and Homeowner's Association to the PB Attorney's specifications.

Comment #30: Provide the declaration and recording information on the plan for HOA ownership and maintenance of drainage and stormwater management facilities. Provide easement descriptions for the PB Attorney's review and approval.

Comment #31: List all dedicated areas and easements, their locations in the plan set, and recording information (date, liber, and page) on sheet 2.

Comment #32: Applicant to submit Construction Cost estimate and landscaping cost estimate.

Comment #33: Pay Performance Bond and Construction Inspection Fee for Town road, Stormwater Management Facilities, and Erosion Control.

Comment #34: Pay Landscape Maintenance Bond (three-year term) for screening plantings and hydric plantings at stormwater management facilities.

Comment #35: Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at all conservation area corners.

Comment #36: Payment of parkland fees per §75-3.A(2)(a)(3) for 15 lots.

Comment #37: Payment of all fees.

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

Seconded by MacDonald. Motion carried; 3-Ayes.

Mr. Kennedy makes a motion on the Gables At Warwick application, granting ***“Amended”*** Final Approval of a proposed 15-Lot Cluster subdivision, situated on tax parcel S 44 B 1 L 132; parcel located on the southern side of State Hwy 17A at the intersection of east end of Ketchum Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York, subject to the following conditions:

1. NYSDOT – Applicant to provide status of approval; Applicant to provide Sheet 23 of 25, last revised 12/01/06
2. The Gables at Warwick Subdivision plans were for the most part reviewed by the previous Planning Board Engineering Company (Tectonic Engineering and Surveying). HDR has only reviewed the plans to ensure compliance with the Conditions of Final Approval and to ensure that all permits granted at that time are still valid. HDR did not review engineering or design aspects such as roadway design, stormwater plans, and septic system/well designs; these items were previously reviewed and approved by others.
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5. An aquifer assessment will need to be submitted. (under review by Town Planner)
6. The water supply will be reviewed and approved by Orange County Department of Health.
7. The septic systems will be reviewed and approved by Orange County Department of Health.
8. Applicant to confirm that the landscaping proposed is in compliance with the Town code requirements.
9. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Shown on Sheet 1, Note 30
10. Applicant to clarify if the revised property lines will require the removal of any significant trees identified on Sheet 1, Note 24.
11. Sheet 1, Note 12 (no future subdivision with OCDOH approval) and Sheet 1, Note 27 (three additional lots can be subdivided because the Yield Plan had 18 lots) shall be combined into one note. Sheet 1, Note 12 shall be revised to state “There shall be no future subdivision of any lot.”
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14. Revise Lot Layout Plan [Sheets 4A & 4B] so that metes and bounds are consistent with the final lot layout. Eliminate overlapping text. Overlapping text has been corrected; pending surveyor to final metes and bounds.
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19. Applicant should show a connection to the existing Orange County Park Property.
20. Language allowing wells and septic systems shall be added to allowed uses within the Open Space notes on Sheet 2 of 25.
21. Provide Model Home and Water District Notes per the Planning Board Attorney's specifications.
22. Town Board to approve Water and Drainage Districts Notes per Planning Board Attorney's specifications.
23. Provide the declaration and recording information on the plan for the for the current Ridgeline Overlay Notes, current Aquifer Protection Overlay Notes, Open Space Conservation, and Homeowner's Association to the PB Attorney's specifications.
24. Provide the declaration and recording information on the plan for HOA ownership and maintenance of drainage and stormwater management facilities. Provide easement descriptions for the PB Attorney's review and approval.
25. List all dedicated areas and easements, their locations in the plan set, and recording information (date, liber, and page) on sheet 2.
26. Applicant to submit Construction Cost estimate and landscaping cost estimate.
27. Pay Performance Bond and Construction Inspection Fee for Town road, Stormwater Management Facilities, and Erosion Control.
28. Pay Landscape Maintenance Bond (three-year term) for screening plantings and hydric plantings at stormwater management facilities.
29. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at all conservation area corners.
30. Payment of parkland fees per §75-3.A(2)(a)(3) for 15 lots.
31. Payment of all fees.

Seconded by Mr. MacDonald. Motion carried; 3-Ayes.

Dave Getz: Thank you.

Bruce Zaretsky: Thank you.

Review of Submitted Maps:***Roven & Specht Lot Line Change***

Application for Sketch Plat Review of a proposed **3-Lot** Lot Line Change, situated on tax parcels S 16 B 1 L 30, 49 & 50; parcels located on the western side of Hedges Road 2,200 feet north of Mountainside Road, in the MT/CO zones of the Town of Warwick.

Representing the applicant: Brian Babcock from Engineering Properties.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – pending comments
4. Architectural Review Board – pending comments
5. OC Planning Department – pending comments
6. TW Building Department – no violations
7. ZBA variances –
8. NYSDEC enviromapper to be re-submitted showing the location of the proposed driveway access.
9. USACE map to be re-submitted showing the location of the proposed driveway access.
10. The FEMA floodplain map should be submitted showing the location of the proposed driveway access.
11. The correct scale should be included on the drawing.
12. The bulk table shows the requirements for each zoning district; the drawing should be revised to show the “provided” dimensions.
13. The site distances for the proposed new entrance to tax parcel 16-1-49 must be shown on the plans.
14. The speed limit for Hedges Road must be shown.
15. A copy of Filed Map 7240 (showing the “apparent overlap created by Lot 3”) shall be submitted (one hard copy and an electronic version).
16. The metes and bounds must be provided for 16-1-50.
17. The metes and bounds must be provided for the “tongue parcel.”
18. The metes and bounds must be provided for the new 16-1-50 parcel (after the addition of the “tongue parcel.”)
19. The metes and bounds must be provided for the overlap/gore areas.
20. A deed plot for 16-1-30 must be provided.
21. The driveway of a flag lot must be created to provide suitable, safe, and prudent access for emergency vehicles, §137-21.K(2)(a)[1].
22. In no case shall the flag lot width be less than 50-ft at any point, §137-21.K(2)(a)[2].
23. The depth of the strip from the roadway to the front yard line shall not be less than 200-ft nor greater than 300-ft, §137-21.K(2)(a)[2].
24. The driveway of a flag lot must be paved in its entirety, §137-21.K(2)(a)[3]. A note must be added to the plan for 16-1-49.
25. The driveway of a flag lot must not exceed 15%, §137-21.K(2)(a)[3]. A note must be added to the plan for 16-1-49.
26. Flag lots shall be permitted for the erection and maintenance of single-family dwellings only §137-21.K(2)(a)[4]. A note shall be added to the plan for 16-1-49.

27. There is no further subdivision allowed for a flag lot, §137.21.K(2)(c). A note must be added to the plan for 16-1-49.
28. Exhibit B discussed in the Stipulation will be the approved Planning Board map signed by the Chairman.
29. Stipulation #3 states that the Town of Warwick zoning laws... "Would or may normally require a fifty (50) foot wide access way for such private driveways given the length contemplated and required." Applicant to clarify why this application should not be considered "normal."
30. Stipulation #4 states that the Town Law Section 280-a "...Could be granted to narrow the normally-required access way width if the driveway otherwise complies with the New York State Uniform Building Code." Applicant to clarify need for a 280-a variance.
31. Fire Code of NYS, Section 511.2.1 requires that driveways provide a minimum of 12-ft unobstructed width and a minimum of 13-ft 6-in. in height. Applicant to clarify.
32. Fire Code of NYS, Section 511.2.2 requires a turnaround suitable for use by fire apparatus if the driveway is longer than 500-ft. Applicant to clarify.
33. Fire Code of NYS, Section 511.2.3 requires driveways in excess of 500-ft to provide turnouts that are at least 20-ft width and 50-ft long. Applicant to clarify.
34. Stipulation #7 references a Memorandum of Understanding placed before Judge Paul I. Marx on July 02, 2013 that "...Called for the conveyance of a portion of the ROVENS' Lot 30 directly adjacent to Hedges Road in order to create additional road frontage for SPECHT Lot 50 sufficient to satisfy the Town of Warwick zoning laws and regulations in order to make SPECHT Lot 50 a building lot." Applicant to provide this Memorandum of Understanding because its language may effect how the additional road frontage is obtained.
35. Stipulation #8 references TW code section 164.22H, which should be referenced as Section 164.22(Lot)H. There is also a reference to TW code section 164.41(2), which should be referenced as Section 164.41C.(2).
36. Stipulation #8 references TW code section 164.41C(2) that apparently allows a reduction of 25% in the lot width. Applicant to clarify what lot width if being reduced by 25%.
37. Stipulation #14 states that the ZBA application for a variance to narrow the access way will be made. Applicant to clarify the required and the proposed access way width dimensions.
38. Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained."
39. The Applicant must update the plan sheet with 911 addresses.
40. This project is beginning with three lots and ending with three lots; therefore no parkland fees are required.
41. The declaration information for the Agricultural Notes must be added to the plans.
42. Surveyor to certify that iron rods have been set at all property corners.
43. Payment of all fees.

The following comment submitted by the Conservation Board:

Roven & Specht Lot Line Change – None submitted.

The following comment submitted by the ARB:

Roven & Specht Lot Line Change – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The project should be classified as a Type 2 Action. I did not prepare a Resolution for the Board because we will need to send the applicant to the ZBA. When they come back from the ZBA, then the Planning Board could adopt the Resolution.

Comment #2: Applicant to discuss project.

Brian Babcock: What we have here is the Rovens own a substantial amount of property located at the end of Hedges Road. Mr. Specht some time back in the 1980's acquired a piece of property that is landlocked. It is wedged in at the rear of the Rovens property. Mr. Specht, after he acquired the property, realized it was completely landlocked. He was compelled to litigate the matter to decide where he could have an access way. It turned out that when he litigated the matter he litigated with the Rovens and he was given a judgement to place an easement of convenience at the time through the Rovens property. The easement of convenience, Mr. Specht was going to decide where that easement of convenience would be. He wanted to take it off from the cul-de-sac portion of Hedges Road. A driveway or an access off the end of the cul-de-sac would have been very invasive for the Rovens cutting through their lawn. Furthermore, there has been a pathway that currently runs through the woods that is generally along where we are showing a 15-foot wide roadway along the southern portion of the Rovens land. The Rovens then litigated the matter back with Mr. Specht to decide on where that access should be placed. This is basically the product of the litigation between the 2 parties. There are Judges involved with the Orange County Supreme Court. The access way has been walked by the Judge, 2 parties, and lawyers. They have come to an agreement that they would like to in fact place the access way in a location that is shown on this plan. As a result of this access, a portion of the Rovens land would actually be cut off by the Right-Of-Way access. It is called a Tongue parcel as labeled. The Rovens have offered that Tongue parcel up to Mr. Specht to be added to his other holdings that front on Hedges Road. It would give him a lot that would be approximately 5.3 acres. The access way during the first litigation was an easement by convenience would now actually be given to him totally in fee. He would own that 15-foot wide strip from Hedges Road along his other parcel cutting through the Rovens land to attach his landlocked property to Hedges Road.

Comment #3: Conservation Board – pending comments

Comment #4: Architectural Review Board – pending comments

Comment #5: OC Planning Department – pending comments

Comment #6: TW Building Department – no violations

Comment #7: ZBA variances –

Comment #8: NYSDEC enviromapper to be re-submitted showing the location of the proposed driveway access.

Brian Babcock: That's fine.

Comment #9: USACE map to be re-submitted showing the location of the proposed driveway access.

Brian Babcock: That's fine.

Comment #10: The FEMA floodplain map should be submitted showing the location of the proposed driveway access.

Brian Babcock: Yes.

Comment #11: The correct scale should be included on the drawing.

Brian Babcock: Ok.

Comment #12: The bulk table shows the requirements for each zoning district; the drawing should be revised to show the "provided" dimensions.

Brian Babcock: Ok.

Comment #13: The site distances for the proposed new entrance to tax parcel 16-1-49 must be shown on the plans.

Brian Babcock: Ok.

Comment #14: The speed limit for Hedges Road must be shown.

Brian Babcock: Ok.

Comment #15: A copy of Filed Map 7240 (showing the "apparent overlap created by Lot 3") shall be submitted (one hard copy and an electronic version).

Brian Babcock: Ok.

Comment #16: The metes and bounds must be provided for 16-1-50.

Brian Babcock: Ok.

Comment #17: The metes and bounds must be provided for the "tongue parcel."

Brian Babcock: Ok.

Comment #18: The metes and bounds must be provided for the new 16-1-50 parcel (after the addition of the "tongue parcel.")

Brian Babcock: Ok.

Comment #19: The metes and bounds must be provided for the overlap/gore areas.

Brian Babcock: Ok.

Comment #20: A deed plot for 16-1-30 must be provided.

Brian Babcock: Ok.

Comment #21: The driveway of a flag lot must be created to provide suitable, safe, and prudent access for emergency vehicles, §137-21.K(2)(a)[1].

Brian Babcock: Ok.

Comment #22: In no case shall the flag lot width be less than 50-ft at any point, §137-21.K(2)(a)[2].

Mr. Astorino: That is a statement that is in the Code. Laura, is that correct?

Laura Barca: Correct.

Comment #23: The depth of the strip from the roadway to the front yard line shall not be less than 200-ft nor greater than 300-ft, §137-21.K(2)(a)[2].

Brian Babcock: Ok.

Comment #24: The driveway of a flag lot must be paved in its entirety, §137-21.K(2)(a)[3]. A note must be added to the plan for 16-1-49.

Brian Babcock: Ok.

Comment #25: The driveway of a flag lot must not exceed 15%, §137-21.K(2)(a)[3]. A note must be added to the plan for 16-1-49.

Brian Babcock: Ok.

Comment #26: Flag lots shall be permitted for the erection and maintenance of single-family dwellings only §137-21.K(2)(a)[4]. A note shall be added to the plan for 16-1-49.

Brian Babcock: Ok.

Comment #27: There is no further subdivision allowed for a flag lot, §137.21.K(2)(c). A note must be added to the plan for 16-1-49.

Brian Babcock: Ok.

Comment #28: Exhibit B discussed in the Stipulation will be the approved Planning Board map signed by the Chairman.

Brian Babcock: Correct.

Comment #29: Stipulation #3 states that the Town of Warwick zoning laws...”Would or may normally require a fifty (50) foot wide access way for such private driveways given the length contemplated and required.” Applicant to clarify why this application should not be considered “normal.”

Brian Babcock: We will need clarification from the attorney. The Judge and Lawyers involved in the matter compelled this strip to be 15 feet in width.

Mr. Astorino: It is a minimum 15 feet. Is that correct?

Brian Babcock: Right. The minimum 50 feet is what Warwick requires.

Mr. Astorino: No. I am talking about the Judges and Lawyers when they went out there. Is it a minimum of 15 feet?

Brian Babcock: It is a minimum of 15 feet for State Law the 280a Code.

Mr. Astorino: Why would this be a 280a? Isn't a 280a off a Private Road?

Connie Sardo: Yes.

Brian Babcock: Yes.

Mr. Astorino: I am just confused on this. Every 280a that I have seen is an access off a Private Road. Hedges Road is not a Private Road. It is a Town Road. We just paved it.

Brian Babcock: The current Zoning provides no waiving from the 50-foot requirement. Is that correct?

Laura Barca: Where the statement comes from in no case should a flag lot width be less than 50 feet at any point. It comes from Section 137. It does not come from Section 164.

Mr. Bollenbach: That is from the Subdivision Regulations not from Zoning Regulations. The ZBA doesn't have control over that. It is the Planning Board.

Brian Babcock: Ok.

Mr. Astorino: That is over the Subdivision Regulations.

Mr. Bollenbach: Correct.

Mr. Astorino: That would be something that the Planning Board could waive if deemed necessary or do we have to follow the Subdivision Regulations? Is that correct?

Mr. Bollenbach: We would have to find out what the compelling circumstances are. I haven't seen the Stipulation. I haven't read it yet.

Mr. Astorino: You would have to read the Stipulation. I have read it a couple of times. I still don't understand it.

Mr. Bollenbach: That has not been reviewed. This application has been in arrears over the last 2-1/2 years.

Brian Babcock: Yes. It was submitted this time around. You do have it.

Mr. Astorino: Yes. We do have it. The first question is, why go to the ZBA for a 280a? I don't understand that. Let's move on. We will leave that open.

Brian Babcock: Sure.

Comment #30: Stipulation #4 states that the Town Law Section 280-a "...Could be granted to narrow the normally-required access way width if the driveway otherwise complies with the New York State Uniform Building Code." Applicant to clarify need for a 280-a variance.

Mr. Astorino: We are back to the same thing. John, have you ever seen a 280a narrow?

Mr. Bollenbach: I would have to take a look into that.

Comment #31: Fire Code of NYS, Section 511.2.1 requires that driveways provide a minimum of 12-ft unobstructed width and a minimum of 13-ft 6-in. in height. Applicant to clarify.

Brian Babcock: Ok.

Laura Barca: The next 3 comments that relate to the Fire Code are because of the statement that is in the Stipulation that says the driveway would otherwise comply with the NYS Uniform Building Code. Comment #31 through Comment #33 comes from that Section of the Stipulation.

Mr. Astorino: I am going to read them all. I want them on the record.

Laura Barca: Ok.

Comment #32: Fire Code of NYS, Section 511.2.2 requires a turnaround suitable for use by fire apparatus if the driveway is longer than 500-ft. Applicant to clarify.

Mr. Astorino: That would have to be shown probably for the largest apparatus that the Town of Warwick has. We could give you a number.

Brian Babcock: Ok.

Comment #33: Fire Code of NYS, Section 511.2.3 requires driveways in excess of 500-ft to provide turnouts that are at least 20-ft width and 50-ft long. Applicant to clarify.

Mr. Astorino: That would have to be shown on there.

Brian Babcock: Ok.

Comment #34: Stipulation #7 references a Memorandum of Understanding placed before Judge Paul I. Marx on July 02, 2013 that "...Called for the conveyance of a portion of the ROVENS' Lot 30 directly adjacent to Hedges Road in order to create additional road frontage for SPECHT Lot 50 sufficient to satisfy the Town of Warwick zoning laws and regulations in order to make SPECHT Lot 50 a building lot." Applicant to provide this Memorandum of Understanding because its language may affect how the additional road frontage is obtained.

Mr. Astorino: John, you will need to take a look at that.

Mr. Bollenbach: Yes. I would have to review that.

Mr. Astorino: You need to see what that is. Just what it says here, it basically says if it is deemed that you need an X number of feet to make it a legal...

Mr. Bollenbach: Has that Memorandum of Understanding been provided?

Laura Barca: I haven't seen that.

Brian Babcock: The Specht lot once the addition to the Tongue parcel has been added to it, it would be a mean averaged width to that lot. It is going to allow for the 25% reduction in lot width that the Town allows for. It would get us down to the 225 feet from the required 300 feet setback.

Mr. Astorino: That would be something that we would have to review.

Brian Babcock: Ok.

Comment #35: Stipulation #8 references TW code section 164.22H, which should be referenced as Section 164.22(Lot)H. There is also a reference to TW code section 164.41(2), which should be referenced as Section 164.41C.(2).

Brian Babcock: Yes.

Comment #36: Stipulation #8 references TW code section 164.41C(2) that apparently allows a reduction of 25% in the lot width. Applicant to clarify what lot width if being reduced by 25%.

Brian Babcock: Yes.

Comment #37: Stipulation #14 states that the ZBA application for a variance to narrow the access way will be made. Applicant to clarify the required and the proposed access way width dimensions.

Mr. Astorino: You have an application to the ZBA for the end of June. Is that correct?

Brian Babcock: Yes.

Mr. Astorino: John, you are going to have to review this. I don't know what their need to go to the ZBA is?

Mr. Bollenbach: I would have to take a look at the application.

Mr. Astorino: All right.

Brian Babcock: They might not have to go to the ZBA.

Comment #38: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”

Brian Babcock: Yes.

Comment #39: The Applicant must update the plan sheet with 911 addresses.

Brian Babcock: Yes.

Comment #40: This project is beginning with three lots and ending with three lots; therefore no parkland fees are required.

Brian Babcock: Ok.

Comment #41: The declaration information for the Agricultural Notes must be added to the plans.

Brian Babcock: Ok.

Comment #42: Surveyor to certify that iron rods have been set at all property corners.

Brian Babcock: Ok.

Comment #43: Payment of all fees.

Brian Babcock: Ok.

Mr. Astorino: I have one other point. The Engineer and I took a walk out there the other day. You feel that a 15-foot of a driveway would be sufficient for emergency vehicles. Is that correct? If that is constructed, there may be a need for more land at least at the time of construction for whoever is building this. I guess it would be Specht to build this of the Roven's property. They are not going to work on a 15-foot parcel and build a 15-foot parcel.

Brian Babcock: Right.

Mr. Astorino: Whether it is an easement or not, I don't know. That would be something that would have to be worked out soon. I don't think you are going to make a 15-foot wide driveway and stay on that 15-foot wide piece.

Laura Barca: Right.

Mr. Astorino: There are some rocks that would have to be hammered there. Some trees would have to come out.

Brian Babcock: Just to clarify, minimum width for a driveway in Warwick is 12 feet. Is that correct?

Mr. Astorino: It would depend on the driveway.

Brian Babcock: Just to be clear on the pull off areas the one area where we have a pull up area along the Tomelson lot, we have it greater than a 15-foot width for the Right-Of-Way through that area. The other area the actual pull out could actually be constructed on Specht's land. It wouldn't be necessary for that to be within that 15-foot Right-Of-Way.

Laura Barca: Right. But just because Specht owns both parcels, you would have to provide an easement.

Brian Babcock: Yes.

Mr. Bollenbach: You are talking about a 15-foot Right-Of-Way. Isn't this an actual lot line change where Specht is going to own that strip?

Brian Babcock: Yes.

Mr. Bollenbach: It wouldn't be a Right-Of-Way.

Mr. Astorino: Yes. It wouldn't be a Right-Of-Way. It would be owned by Specht.

Mr. Bollenbach: Yes.

Mr. Astorino: My point is ok if they feet 15 feet of land from Point A to Point B, that is great on a piece of paper. But to actually construct that 15-foot driveway, you are going to be working on Roven's property. That is common sense. You are not going to be able to construct this.

Mr. Bollenbach: You might need more than 15 feet.

Mr. Astorino: John, you need to read the Stipulation.

Brian Babcock: You could if you had significant cuts and fills. But you don't have that.

Mr. Bollenbach: I don't know. I haven't seen the plan.

Brian Babcock: I understand that.

Mr. Astorino: I am just saying that for the general construction, you are going to need more than 15 feet.

Brian Babcock: I understand that.

Mr. Astorino: Ok. You will be back. If you do go to the ZBA for whatever reason, I don't think this Board or I would want to give a recommendation. I don't know what to recommend. You would go from this Board without a recommendation to the ZBA.

Connie Sardo: Are we going to be sending them to the ZBA without a recommendation?

Mr. Bollenbach: Let us just take a look at it. Let the full Planning Board review it. I haven't had a chance to take a look at it. It might be a negative recommendation to the ZBA.

Mr. Astorino: I wouldn't make anything to them right now.

Mr. Bollenbach: We would have to take a look at it.

Mr. Astorino: Our Attorney will review this matter. You will be back.

Brian Babcock: Ok. Thank you.

ShopRite Warwick

Application for Site Plan Approval and Special Use Permit for the construction and use of a proposed 11,825 s.f. addition to the side of the existing ShopRite Supermarket, removal of a portion of the existing outparcel building, and modification to the existing parking layout, situated on tax parcel S 51 B 1 L 6.21; project located on the northern side of New Milford Road 318.4 feet west of Warwick Turnpike (153 State Route 94 South), in the CB zone, of the Town of Warwick. Previously discussed at the Planning Board Meeting of 4/20/16 & 5/25/16.

Representing the applicant: Dan Peveraro from the Lauro Group. Dan Hollis, Esq.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – 05/17/16 no comments
4. Architectural Review Board – joint meeting 04/20/16; comments dated May 06, 2016
5. OC Planning Department – 04/29/16 advisory comments on access, wetlands, drainage, lighting, and noise
6. 06/06/16 – open permits for misc. repairs (permit #20405), repairs (permit #21701), and Pet Supplies (permit #23592); all other fees have been paid
7. The Town Overlay District Table, new utilities underground notes, and note relating to projects with access to a County or State Highway must be added to the plan. (sign is misspelled on Sheet C0.0 General Notes #6.)
8. Waivers may be requested from the Town Board in exchange for provisions made for the Marginal Access Road through the property.
9. The proposed lighting must comply with the current Town Code §164-43.4.
10. Applicant to confirm lighting at entrances along accessory building; 5 footcandles are required according to §164-43.4G (the table).
11. A stormwater plan must be submitted in compliance with NYSDEC regulations and Town of Warwick Stormwater Code §164-47.10.
12. Applicant to clarify where snow stockpiling will take place.
13. Where curbs are being relocated, Applicant to consider using Green Infrastructure practices (i.e., depressed curbs, planting islands, etc.).
14. The location of the existing septic system should be shown on the plan, including any information that is known about the septic system.
15. Applicant to confirm that the existing septic is in compliance with the existing SPDES permit and would not require modification (NY0103501).
16. The location of the water tank is shown, but any additional information about the system should be added to the plan.
17. Applicant to confirm that the existing water supply system is in compliance with Orange County Department of Health (OCDOH).
18. Proposed water usage calculations for all users of the water supply system must be shown on the plan.
19. The 911 addresses shown on Sheet C0.0 must be revised to provide the street number, street name, and then the suite number: 153 St. Rte. 94, Suite #1, Warwick NY 10990.
20. The note on Sheet C1.0 states that the existing sign along Route 94 will be replaced per the Town Code under separate application. The new signage plan must be shown within the plan set, but a building department permit is required before construction can begin.

21. The location of the Marginal Access Road, including the rights-of-way to be dedicated to the Town must be shown on the plan.
22. All dumpster locations must be shown on the site plan and screened by either landscaping or an enclosure.
23. A Master Sign Plan should be submitted to show signage throughout the project site, including directional information for the Marginal Access Road.
24. Applicant to clarify width for uncompacting soils for trees on the Landscaping Plan.
25. The property owners (on record) within 300-ft must be listed, including the section-block-lot numbers.
26. The Marginal Access Road notes shown on Sheet C1.1 in the Bulk Requirements section should be updated.
27. The parking space calculations must be shown on the drawings.
28. Applicant to provide service capacity letters from utility, water, sewer, highway, police, ambulance, fire, and school (or as requested by the Planning Board).
29. Provide truck turning diagrams throughout the parking lot to demonstrate that the proper emergency vehicles can travel through the parking lot. Applicant to clarify the fire and emergency access ways and zones, including the nearest water supply for fire emergencies.
30. The location(s) of any shopping cart storage areas must be added to the plan. Applicant to clarify if there will be cart storage located inside the vestibule.
31. A Performance Bond and a three-year landscaping bond are required.
32. The declaration information for the Aquifer and Agricultural Notes must be added to the plans.
33. Surveyor to certify that iron rods have been set at all property corners.
34. Payment of all fees.

The following comment submitted by the Conservation Board:

ShopRite Warwick – None submitted.

The following comment submitted by the ARB, dated 6/13/16:

ShopRite Warwick - The Architectural Review Board has reviewed the revised design proposal by Rosenbaum Design Group for the Shop Rite expansion, located in the CB Zone of the Town and subject to the Commercial Design Standards adopted by the Town Board as submitted June 02, 2016 titled "Scheme 1".

Representing the Architectural Review Board and Commenting on this design are Christopher Collins, James McConnell, Chris DeHann. Marco Pedone and myself John Starks:

Comments and suggestions of the Warwick Architectural Review Board:

Building Specific Comments:

1. The wider columns and bases look better. What material was planned for these (stone, brick?). We recommend a wider base (perhaps of stone) to be proportionally correct and perhaps keep the upper portion of the columns brick to match the existing material. The ARB would welcome the opportunity to work with the applicant on building materials selection.
2. Consider removing the dentils for a cleaner look to the exterior. It is possible to turn off this layer (A-elev-dentils) in the PDF and provide a drawing to represent this?

3. The gables and proportions are significantly improved in this version, but the small reverse gables are not centered between the larger gables. We would like to see these small gables centered. Perhaps eliminating one group of windows below and re-ordering the others could achieve the symmetry that currently appears off.
4. The last column on the left should match the wider width of the other columns.
5. There appears to be a large glass area above each of the two store entrances: What is on the opposite side of this glass? Mirror glass, tinted glass, or open to an attic space are unacceptable. Consider reducing the height of these two gables (perhaps to the same height as the center gable) and reducing the amount of glass area in these gables (while still being able to maintain the sign area). The gables width and material treatment is preferred to still be different.

General Comments: overall the revised drawing shows significant improvement from the first design and the Architectural Review Board appreciates the cooperation of the applicant.

1. Building material: please provide a list of materials or identify the materials on the drawing. Material samples may be requested.
2. Color scheme: please identify the color schemes on the drawing. Color samples may be requested.
3. Please provide information on the shopping cart storage location.
4. Bottle Return Building: where does the Bottle Return building fit into the overall plan?
5. The west elevation (front) is provided however the Architectural Review Board requests the applicant to provide the north and south elevations as well. Note the south elevation faces the Warwick Turnpike and is highly visible.
6. The outparcel building should be considered into the aesthetics since the applicant is modifying this building as well; the applicant should provide building elevations of the outparcel structure for review. The modification of the out parcel building may be challenging potentially resulting in a knife edge condition adjacent to the Shop Rite store.
7. The Architectural Review Board requests a proposed site plan that gives the relative location of the façade elements and their relation to the entrance road approaching the building from NYS Route 94. A large portion of the left side of this "front" elevation (northern end) will be masked or hidden by the front out parcel building. What will be seen as you approach the building upon entering the site?

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This is classified as a Type 1 Action. There are other Agencies involved. I believe last month the Board declared its Intent To Be Lead Agency. We sent out letters to other agencies. Connie, I don't believe you have received anything back from them stating that they want to be Lead Agency?

Connie Sardo: No. We have not.

Mr. Fink: At this point, the Planning Board can act as Lead Agency because I think the Resolution you had didn't have to take any further action as long as there was no competition. I had reviewed the revised EAF that the applicant had submitted. There were a number of questions that I had and some clarifications. I put together a comment memo. I spoke with the Applicant's Engineer today about that. He had a number of questions on it. I think I was able to clarify the questions that he had on it.

Dan Peveraro: Yes.

Mr. Fink: At this point, the Applicant will be providing us with a response and a revised EAF so that all the issues have been addressed.

Mr. Astorino: Ok.

Mr. Fink: As far as SEQRA is concerned, because it is a Type 1 Action, we have to use the Full EAF. I have gone ahead and filled out the Part 2 EAF. I think the only thresholds that were met, the way these things work in the Part 2 EAF, if you don't meet the threshold that's provided if it is a no or small impact, but if you meet the threshold then you are supposed to go to a Part 3 EAF. I think the only one is Route 94 where it is a Town scenic road. That was the only thing that reached that threshold. We will need a Narrative on that in terms of what the impacts would be on a scenic road. If you look at the Part 2 EAF. It would be a couple of different things. One is the proposed action may be visible from any officially designated Federal, State, or Local scenic or aesthetic resource. That would be a discussion of what you would be doing in the way of landscaping, light, and those sorts of things.

Dan Peveraro: Ok.

Mr. Astorino: Thank you Ted.

Comment #2: Applicant to discuss project.

Mr. Astorino: The Board had done a site visit last Monday. It was very informational and positive for the Board to see exactly where the building would be going. The traffic pattern, we ironed that out pretty well. It makes sense. Does the Board or Professionals have any comments on the site visit? Seeing that the Board doesn't have any comments, the comments that we have tonight are pretty much general from the last time. Does the applicant have any comments that they would like to discuss or add?

Dan Peveraro: There were a couple of items on here. Comments #9 and #10 regarding lighting.

Mr. Astorino: I think Laura had spoken to you about the lighting. Ted, I believe there were some discrepancies in the Code. Could you clear that up?

Mr. Fink: Laura and I started a discussion right before this meeting began. I think the way that this works is that the reason why it looks like there is a discrepancy is because there are 2 different things that are being addressed. One is the level of activity. The foot candles are appropriate for parking lots. The other one is for the building exterior. It is like your typical Wall Pack lighting.

Dan Peveraro: There are a couple of things in there. There are commercial parking lots in the chart that is below. There is a similar thing with the parking lots at the top. It seems like those 2 charts could have possibly come from two separate entities. I am not sure if the 5-foot candles is an average or a maximum. We were applying it as an average.

Mr. Fink: It doesn't specify that.

Mr. Astorino: Ted, would the average be good?

Mr. Fink: That is interesting. I would have to take a look at that.

Mr. Astorino: Ted take a look at that. You guys could have a conversation about it. I told Dan that any time he has a question like that to just get a hold of you.

Mr. Fink: Yes. I know that with some of the other things in the General Code when they do their codification process, they have often times messed up the tables. In fact they have left out some of the columns. It could be possible that had happened. I would have to take a look at that.

Mr. Astorino: Ok.

Dan Peveraro: If that in deed is an average, we have in our calculation summary on our lighting plan an average of 5.19-foot candles.

Laura Barca: If it is average, they are good. If it is something else, then we don't know.

Mr. Fink: I will call you on that.

Mr. Astorino: We had taken a look at the Marginal access area while we were out there. Dan, do you have anything else?

Dan Peveraro: Regarding Comment #21 on the Marginal access road, it is said to be dedicated. We discussed that with the Planning Board when we had met. I believe the Board is in an agreement that it isn't really feasible.

Mr. Astorino: You are going to go to the Town Board with that.

Dan Peveraro: Yes.

Mr. Bollenbach: It is the Town Board that would make that determination.

Mr. Astorino: They will make that determination. You bring that argument to them.

Mr. Bollenbach: The Planning Board's concern is that there is a safe adequate access from Point A to Point B which traverses the lot.

Mr. Astorino: Yes.

Dan Peveraro: That is fair.

Mr. Astorino: Do you have any other questions?

Dan Peveraro: Comment #24 regarding Applicant to clarify width for uncompacting soils for trees on the Landscaping Plan. I just want to see what needs to be done exactly. The Landscape Plan details of the trees shows this. Can you clarify?

Laura Barca: I would have to have our Landscape Architect take a look at this. She is the one that had done this.

Mr. Astorino: Laura, isn't it basically what the soils are suitable to grow trees?

Laura Barca: In this case, it is a little bit different. If you are going to plant something in an area that was previously paved and driven over on for 50 years, you are going to want to make sure you de-compact the soil before you put a tree in there.

Mr. Astorino: Yes. That makes sense.

Dan Peveraro: If any additional information needs to be shown, I would be happy to put something else.

Laura Barca: Ok.

Mr. Astorino: Are there any other comments that stand out?

Mr. Bollenbach: Regarding Comment #30, I was not at the site visit. I was wondering, had anyone noticed the sidewalks were free of obstructions, displays, and merchandise?

Mr. Astorino: No. We mentioned that while we were there. We had seen that.

Mr. Bollenbach: Perhaps, we need to add another note to the map to clarify that. This has been an ongoing problem.

Laura Barca: There is a note on there.

Mr. Astorino: We were told that they would take care of the issue when then build that addition of the vestibule.

Dan Peveraro: Right. Where the addition of the vestibule is going, it doesn't give a lot of room to put stuff out there.

Mr. Bollenbach: The last time around the addition of the cart corals in the parking lot were supposed to alleviate the need for putting the carriages on the sidewalk.

Dan Peveraro: I understand that. But when they do the addition of the vestibule, you would not physically have the room to do what they are doing currently. The vestibule will be in the way. Unless they start displaying in the drive aisle...

Mr. Astorino: That has happened also. It has also happened in the fire lane.

Dan Peveraro: Ok. I believe there is a note on the plan.

Mr. Bollenbach: The storage of firewood under the awning? That is a Building Code violation.

Dan Peveraro: I believe there is a note on the plan indicating such.

Mr. Bollenbach: Yes. You have the notes. But to put it into practice is another thing. It has been an ongoing problem.

Dan Peveraro: That is why ShopRite is putting their vestibule in.

Mr. Bollenbach: I am just going to give you notice that they will be in Court if this happens again.

Dan Peveraro: Ok. I will make ShopRite aware of that.

Mr. MacDonald: How about the dumpster situation?

Mr. Astorino: They were going to find an area to put the dumpsters with some screening. Is that correct?

Dan Peveraro: We are looking at the leases to make sure we can do that. That is still ongoing.

Mr. Astorino: As I had said, you are going to find an area to put the screening because it is a Town Code.

Mr. McConnell: Yes.

Mr. Astorino: Thank you.

Mr. Bollenbach: Ted, Did you review the Landscape Plan yet?

Mr. Fink: Yes. I have reviewed the Landscape Plan. We still need a list of all the landscape plants. We need the size, numbers, etc... We need a landscape schedule.

Dan Peveraro: Sure.

Mr. Fink: That is the main thing missing from the Landscape Plan.

Dan Peveraro: When we discuss the lighting situation, maybe I could work with you on the types of plants.

Mr. Fink: Ok.

Mr. Kennedy: Just out of curiosity, typically I had seen leases that have a garbage plan and keeping the area neat and tidy.

Dan Peveraro: A couple of my clients that I work for not ShopRite they have specific requirements on where a dumpster would go and how a landlord can treat it. I don't think that is the case here.

Mr. Kennedy: Ok.

Dan Peveraro: I don't have a reason to think it is. I am just being cautious.

Mr. Kennedy: Right. I was just being curious.

Mr. McConnell: Even if they did, I would be surprised if the over landlord didn't have some saving clause.

Mr. Astorino: It would be a little different if the Municipality's Code requires it.

Mr. McConnell: That is what I am saying. There would be some savings clause. Let me ask your Lawyer a question. Are you familiar with the other leases?

Dan Hollis: No. They have not been provided. We don't represent the property owners.

Mr. McConnell: Ok. That would be something that you would need to find out to answer the question about locating the dumpsters for the tenants. You have been put on notice about this. I am a little surprised that you don't yet have an answer for us.

Dan Hollis: That was only a week and half ago.

Mr. McConnell: That was 10 days ago.

Dan Hollis: That wasn't that long ago. It depends on what the leases say. I have clients all over the Hudson Valley. Some are property owners. Some are store operators. It depends on what the original site plan says. It depends on what the leases say. It depends on how big the tenant is. It all depends. We will look at it for sure. We will have answers for you. With the permission of the landlord and those tenants, they will provide portions of the lease in question. They may or may not. They are no way in obligation to cooperate with us in that regard. But, we will try.

Mr. McConnell: Who?

Dan Hollis: The landlord, owner of the property.

Mr. McConnell: Who is that?

Dan Peveraro: They are Warwick Markets, LLC.

Mr. Bollenbach: That is the applicant. There is a proxy.

Mr. Astorino: The bottom line is that I don't think it would be an issue. I find it to be quite hard to find this as a major stumbling block. Even for the property owner not to want to put their dumpsters in an area that is screened and want to make their property look better.

Mr. McConnell: I agree with you completely. That is why I am surprised that we don't yet have an answer. It is a simple issue.

Mr. Astorino: We will get an answer. Are there any other comments you would like to discuss?

Laura Barca: We should discuss Comment #28.

Mr. Astorino: Comment #28, Applicant to provide service capacity letters from utility, water, sewer, highway, police, ambulance, fire, and school (or as requested by the Planning Board).

Laura Barca: The Applicant probably doesn't need all of those. But that is the complete list.

Mr. Astorino: Do them all. I don't know if you have to do the school.

Laura Barca: That is what I am saying. Utility, I wouldn't think so. They are not adding utilities like electric or gas.

Mr. Astorino: How about the relevant ones?

Dan Peveraro: Which ones are the relevant ones?

Connie Sardo: Hey would need to send service capacity letters to highway, police, ambulance and fire.

Mr. Astorino: That is it.

Laura Barca: Is highway covered because SEQRA has been distributed to NYSDOT and OCDPW?

Mr. Astorino: They are not requesting any information from us. Ted, I believe that would be a question from you.

Mr. Fink: Connie, had we received any replies from them.

Connie Sardo: No. I received their signed certified mailing cards that they got them. But, I have not received any responses from them. I have only received responses from the ZBA and Town Board so far.

Mr. Fink: Ok. They are on notice.

Connie Sardo: They have until the end of June to respond. The 30 days is not up yet.

Mr. Fink: Ok.

Mr. Astorino: Does the applicant have any other comments?

Dan Peveraro: No.

Mr. Astorino: We did get the rendering from you. Looking at it from the surface, I don't think it looks too bad. Do any Board members have any comments on it?

Mr. McConnell: My initial reaction was that it is an aircraft carrier. It's huge.

Dan Peveraro: I think that was a comment from the ARB. They wanted things larger than what was there.

Mr. Astorino: The ARB also submitted comments, dated 6/13/16. Did you receive them?

Dan Peveraro: Yes. The Architect has them.

Mr. Astorino: They are pretty much general comments. I don't think there is anything out of the ordinary. You will work on these with them.

Dan Peveraro: Would we be on for a Joint Planning Board and ARB Meeting?

Mr. Astorino: We can do that. We could do that at the next meeting that you are on. We could do that at a Work Session on a Monday evening at 6pm. That would probably be the final Joint Meeting. The next thing would be when you are ready to resubmit to the Planning Board.

Connie Sardo: The next submittal date would be June 29, 2016 for the July 11, 2016 Work Session.

Mr. Astorino: Would that give you enough time to do what you have to do? Do you want to push it further? We are not setting it now.

Laura Barca: What is the next submittal deadline after that?

Connie Sardo: That would be July 27, 2016 for the August 8, 2016 Work Session for the August 17, 2016 Planning Board Meeting.

Dan Peveraro: The Architect would be able to make it work for the July 11th Work Session I believe.

Mr. Astorino: It might work for the Architect. But what about your plans and information that we need for the submittal? I don't want to keep charging you by going through the same comments. If you guys want to spend a little time and submit everything that we need and requested, that might be better off for you. That is your call.

Dan Peveraro: Ok.

Mr. Astorino: We will schedule a Joint PB and ARB Meeting at the time you resubmit.

Dan Peveraro: Ok. Thank you.

Mr. Astorino: We will list Comments 3 through 34 for the record. Does the Board or Professionals have anything else? You will be back.

Dan Peveraro: Thank you.

Comment #3: Conservation Board – 05/17/16 no comments

Comment #4: Architectural Review Board – joint meeting 04/20/16; comments dated May 06, 2016

Comment #5: OC Planning Department – 04/29/16 advisory comments on access, wetlands, drainage, lighting, and noise

Comment #6: 06/06/16 – open permits for misc. repairs (permit #20405), repairs (permit #21701), and Pet Supplies (permit #23592); all other fees have been paid

Comment #7: The Town Overlay District Table, new utilities underground notes, and note relating to projects with access to a County or State Highway must be added to the plan. (sign is misspelled on Sheet C0.0 General Notes #6.)

Comment #8: Waivers may be requested from the Town Board in exchange for provisions made for the Marginal Access Road through the property.

Comment #9: The proposed lighting must comply with the current Town Code §164-43.4.

Comment #10: Applicant to confirm lighting at entrances along accessory building; 5 footcandles are required according to §164-43.4G (the table).

Comment #11: A stormwater plan must be submitted in compliance with NYSDEC regulations and Town of Warwick Stormwater Code §164-47.10.

Comment #12: Applicant to clarify where snow stockpiling will take place.

Comment #13: Where curbs are being relocated, Applicant to consider using Green Infrastructure practices (i.e., depressed curbs, planting islands, etc.).

Comment #14: The location of the existing septic system should be shown on the plan, including any information that is known about the septic system.

Comment #15: Applicant to confirm that the existing septic is in compliance with the existing SPDES permit and would not require modification (NY0103501).

Comment #16: The location of the water tank is shown, but any additional information about the system should be added to the plan.

Comment #17: Applicant to confirm that the existing water supply system is in compliance with Orange County Department of Health (OCDOH).

Comment #18: Proposed water usage calculations for all users of the water supply system must be shown on the plan.

Comment #19: The 911 addresses shown on Sheet C0.0 must be revised to provide the street number, street name, and then the suite number: 153 St. Rte. 94, Suite #1, Warwick NY 10990.

Comment #20: The note on Sheet C1.0 states that the existing sign along Route 94 will be replaced per the Town Code under separate application. The new signage plan must be shown within the plan set, but a building department permit is required before construction can begin.

Comment #21: The location of the Marginal Access Road, including the rights-of-way to be dedicated to the Town must be shown on the plan.

Comment #22: All dumpster locations must be shown on the site plan and screened by either landscaping or an enclosure.

Comment #23: A Master Sign Plan should be submitted to show signage throughout the project site, including directional information for the Marginal Access Road.

Comment #24: Applicant to clarify width for uncompacting soils for trees on the Landscaping Plan.

Comment #25: The property owners (on record) within 300-ft must be listed, including the section-block-lot numbers.

Comment #26: The Marginal Access Road notes shown on Sheet C1.1 in the Bulk Requirements section should be updated.

Comment #27: The parking space calculations must be shown on the drawings.

Comment #28: Applicant to provide service capacity letters from utility, water, sewer, highway, police, ambulance, fire, and school (or as requested by the Planning Board).

Comment #29: Provide truck turning diagrams throughout the parking lot to demonstrate that the proper emergency vehicles can travel through the parking lot. Applicant to clarify the fire and emergency access ways and zones, including the nearest water supply for fire emergencies.

Comment #30: The location(s) of any shopping cart storage areas must be added to the plan. Applicant to clarify if there will be cart storage located inside the vestibule.

Comment #31: A Performance Bond and a three-year landscaping bond are required.

Comment #32: The declaration information for the Aquifer and Agricultural Notes must be added to the plans.

Comment #33: Surveyor to certify that iron rods have been set at all property corners.

Comment #34: Payment of all fees.

Other Considerations:

1. Planning Board Minutes of 5/25/16 for PB Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 5/25/16.

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

2. Planning Board to discuss cancelling the 6/27/16 Work Session & 7/6/16 PB Meeting.

Mr. McConnell makes a motion to cancel the 6/27/16 Work Session & 7/6/16 PB Meeting.

Seconded by Mr. Kennedy. 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, 2016 Planning Board Meeting.

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