

TOWN OF WARWICK PLANNING BOARD

June 19, 2013

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, June 19, 2013 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

Review of Submitted Maps:

AT&T Wireless/Gary Randall

Application for Site Plan Approval for the proposed use and construction of AT&T proposes to upgrade their equipment on an existing monopole by adding and switching antennas, situated on tax parcel S 19 B 1 L 47.2~2; project located on the western side of Route 94 500 feet north of Minturn Road, in the MT zone, of the Town of Warwick.

Representing the applicant: John Furst from Cuddy & Feder, LLP.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 04/01/13 no comments.
4. Architectural Review Board comments: pending.
5. Wireless Telecommunication Facility Board comments: pending.
6. OCPD: 04/02/13 no advisory comments.
7. Building Department: Tower Owner is in court for failure to follow requirements of the site plan (snow removal and tree limb removal).
8. Sheet GN-2 Site Note 1 states that the new cabinet will be off-white; applicant should provide a color sample or select a tan/beige color for the cabinet.
9. §164-79.A.(1)(a) Planning Board to determine if additional landscaping is required and/or if a site inspection is necessary.
10. Payment of all fees.

The following items are the responsibility of the Tower Owner:

1. In accordance with §164-86.C, the Special Use Permit is valid for 5 years. At that time, the Special Use Permit must either be renewed before the Planning Board or the tower removed.

2. The tower owner, holder of the Special Use Permit, shall submit evidence of compliance with the FCC standards, including Radio Frequency Radiation (RFR), on a yearly basis to the Planning Board (§164-78.D).
3. The tower owner, holder of the Special Use Permit, shall be structurally inspect the tower annually; this report shall be certified by a Professional Engineer (§164-83.B).
4. After Planning Board Approval of Special Use Permit, which is valid for 5 years, notification to the Building Department that the Special Use had been renewed.

The following comments submitted by the Conservation Board, dated 6/19/13:

AT&T Wireless/Gary Randall – The CB has no comment.

The following comment submitted by the ARB:

AT&T Wireless/Gary Randall – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This is a Type 2 Action. No action necessary under SEQR.

Comment #2: Applicant to discuss project.

John Furst: This is a simple equipment upgrade at an existing facility on an existing 100-foot monopole. They have 4 existing antennas on the tower now. They are looking to add 2 additional panel antennas at the same centerline height as the existing antennas. They would be about the same size. In addition to the antennas, they would also be adding the remote radio heads. Those are small equipment boxes that go behind the antennas. This is all for their 4G upgrade which would enhance not only for residential and businesses. It would also enhance first responders' coverage. We are not increasing the height of the tower or the size of the compound. We received some comments in April. We responded to those comments in April. I understand that all of the engineering aspects have been resolved. I understand that the issue of the tower owner also has been resolved. I know that you don't normally do this, but I would like to ask that the Board considering waiving the public hearing. This is a simple site plan application. I didn't see any public hearings required in the Code for site plan. I would like the Board to consider that.

Comment #3: Conservation Board comments: 04/01/13 no comments.

Comment #4: Architectural Review Board comments: pending.

Comment #5: Wireless Telecommunication Facility Board comments: pending.

Comment #6: OCPD: 04/02/13 no advisory comments.

Comment #7: Building Department: Tower Owner is in court for failure to follow requirements of the site plan (snow removal and tree limb removal).

Mr. Astorino: John, has this violation been worked out?

Mr. Bollenbach: Yes. They provided a maintenance contract. That comment could be stricken.

Mr. Astorino: We could strike Comment #7.

Comment #8: Sheet GN-2 Site Note 1 states that the new cabinet will be off-white; applicant should provide a color sample or select a tan/beige color for the cabinet.

John Furst: We will do a tan/beige. You could put a note on the plan or make it a condition of the approval.

Comment #9: §164-79.A.(1)(a) Planning Board to determine if additional landscaping is required and/or if a site inspection is necessary.

Mr. Astorino: I don't think so. Does anyone have any issues with that? I think it is fine. We could strike Comment #9.

Comment #10: Payment of all fees.

John Furst: Yes. Once we receive the conditional approval.

Ms. Little: John, with the previous owner, there was a maintenance agreement in effect? Is that correct? But, it was not being adhered to.

Mr. Bollenbach: Yes. There was a requirement to maintain. That was in the Emergency Service Plan. That included the removal of snow. It would be maintained. It wasn't complied with. We did have difficulties in contacting the owner. There had been a change in ownership. Now, we are in contact with the owner. A maintenance contract has been provided. I would like to add as a conditional condition that the emergency service plan be maintained current. If there are changes, just let us know.

Mr. Astorino: Regarding the payment of all fees, are you good?

John Furst: Yes.

Mr. Astorino: Ok. The following comments are the responsibility of the tower owner. We will list Comments 1 through 4 for the record. It doesn't pay to go through these.

Laura Barca: They are just standard comments. They don't necessarily apply to him. They are just on it as a site plan application.

Mr. Astorino: We will put them on the site plan.

Laura Barca: Yes. You could keep them for the record. They are standard comments.

Mr. Astorino: Ok. We will list comments 1 through 4 for the record. Do any Board members or Professionals have any comments? John, as far as a public hearing, what should be do?

The following items are the responsibility of the Tower Owner:

Comment #1: In accordance with §164-86.C, the Special Use Permit is valid for 5 years. At that time, the Special Use Permit must either be renewed before the Planning Board or the tower removed.

Comment #2: The tower owner, holder of the Special Use Permit, shall submit evidence of compliance with the FCC standards, including Radio Frequency Radiation (RFR), on a yearly basis to the Planning Board (§164-78.D).

Comment #3: The tower owner, holder of the Special Use Permit, shall be structurally inspect the tower annually; this report shall be certified by a Professional Engineer (§164-83.B).

Comment #4: After Planning Board Approval of Special Use Permit, which is valid for 5 years, notification to the Building Department that the Special Use had been renewed.

Mr. Bollenbach: We had given them the opportunity to be set for a public hearing for this meeting the last time around. This meeting could have been the public hearing.

Mr. Astorino: I understand that.

Mr. Bollenbach: In the Code, Section 164-46k it states *“Within 62 days of the close of the public hearing, unless this time is extended by mutual consent of the applicant and Planning Board, the Planning Board shall act by resolution to approve, approve with modifications, or disapprove such site plan and/or special permit use”*.

Mr. McConnell: John that references a public hearing.

Mr. Bollenbach: Yes. It does.

Mr. McConnell: Does that imply that a public hearing is required?

Mr. Bollenbach: That would be up to the Board. It would be up to the Board to decide if to be waived or not.

Mr. McConnell: The only thought I had and this might be on what Chris was saying. We have seen owners of these facilities not adhering to their obligations. I don't know if we have the authority. But has it been considered at the Town Board level to require a bond?

Mr. Bollenbach: We have bonds for removal. That is for the initial site plan for the erection of the structure that there would be a bond in place for the removal.

Mr. McConnell: But it is not a performance bond.

Mr. Bollenbach: No.

Mr. Astorino: I think that is tough. If they follow this maintenance contract, I guess that would be a Building Department issue.

Mr. Bollenbach: The Emergency Service Plan is an element of the approval. Within that, it had the maintenance requirement. The mechanism that we have been using to enforce was through the Building Department by issuing violations.

Mr. McConnell: Ok.

Mr. Bollenbach: That should be kept current. Perhaps we could coordinate that a little bit better when they do their annual inspections of the tower for the structural monitoring. We have to make sure that the EMS plan would be maintained.

Mr. McConnell: Ok.

John Furst: It seemed like many of these issues were tower owner related issues. I think Crown the new tower owner is a much more responsive owner.

Mr. Bollenbach: They have been responsive.

John Furst: That is why I am asking for the public hearing to be waived.

Mr. Astorino: I think everything has been addressed. What is the Board's feeling on the public hearing? Do you think it is warranted? John, is it our option?

Mr. Bollenbach: Yes.

Mr. Astorino: I don't think there is a need for one.

Mr. McConnell: I think the need for one has past.

Mr. Astorino: We will need a motion to waive the public hearing.

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

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

Mr. Ruskiewicz makes a motion on the AT&T Wireless/Gary Randall application, granting Site Plan Approval for the proposed use and construction of AT&T proposed to upgrade their equipment on an existing monopole by adding and switching antennas, situated on tax parcel S 19 B 1 L 47.2~2; project located on the western side of Route 94 500 feet north of Minturn Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York. A Type 2 Action was adopted on April 3, 2013. Approval is granted subject to the following conditions:

1. Sheet GN-2 Site Note 1 states that the new cabinet will be off-white; applicant should provide a color sample or select a tan/beige (earth tone) color less 60% reflectivity for the cabinet.
2. Payment of all fees.

The following items are the responsibility of the Tower Owner:

5. In accordance with §164-86.C, the Special Use Permit is valid for 5 years. At that time, the Special Use Permit must either be renewed before the Planning Board or the tower removed. The Special Use Permit for this site expires on June 19, 2018.
6. The tower owner, holder of the Special Use Permit, shall submit evidence of compliance with the FCC standards, including Radio Frequency Radiation (RFR), on a yearly basis to the Planning Board (§164-78.D). The last RFR received on March 1, 2013.
7. The tower owner, holder of the Special Use Permit, shall be structurally inspect the tower annually; this report shall be certified by a Professional Engineer (§164-83.B). The last Structural Report received on March 1, 2013.
8. After Planning Board Approval of Special Use Permit, which is valid for 5 years, notification to the Building Department that the Special Use had been renewed.
9. Maintain current EMS Plan on file with the Building Department. The last EMS plan received on March 1, 2013.

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

John Furst: Thank you.

Corinna Sanford Lewis Lot Line Change

Application for Sketch Plat Review of a proposed Lot Line Change, situated on tax parcels S 31 B 2 L 64.11 and 64.32; parcels located on the eastern side of State Highway 94N 1000 feet south of Old Ridge Road, in the RU zone, of the Town of Warwick.

Representing the applicant: Kirk Rother, P.E.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: pending
4. Architectural Review Board comments: 06/18/13 no comments at this time
5. OC Planning Department: pending submittal
6. Please provide the deeds for the parcels included within this subdivision.
7. Provide color mappings of NYSDEC Enviromapper that show the project site and 100-ft beyond the property boundaries.
8. Provide National Wetlands Inventory mapping showing the project site and 100-ft beyond the property boundaries.
9. FEMA floodplain mapping showing the project site and 100-ft beyond the property boundaries.
10. Submit the Notice of Ground Disturbance form.
11. The areas with 15 to 25 or greater than 25% slopes should be shown on the plan; or a note stating that there are none.
12. Applicant must show all wells and septic systems within 300-ft of the proposed systems (the existing septic for 31-2-64.11 is not shown on the plans).
13. The stream information, NYSDEC Class C(t), should be included on the plan along with a note that states that no stream disturbance is proposed.
14. Applicant to call out the size and material of the culvert shown on the plan.
15. Site distance and roadway speed limit must be shown §137 Appendix F(2) for the existing driveway entrance because the intensity of its use is being increased.
16. The slope of the proposed driveway is measured to be greater than 10%; this would require that the driveway be paved in its entirety and the driveway detail would have to be modified.
17. If the proposed driveway is to be paved, coordination with Columbia Gas would be required because this company does not typically prefer paved areas in its easements.
18. The shared portion of the driveway currently measured 10 to 12-ft wide and the width at the culvert appears to be 15-ft wide. In accordance with §164-41.2.K(2), a shared driveway must have a minimum width of 16-ft. An alternative would be to show turnouts every 250 to 300-ft along the shared portion of the driveway on the plans. A detail for the turnaround must be included in the plan, if this is the alternative selected. The detail must include a foundation base similar to the driveway (6-in) to provide support for vehicles when using the pull off. Also, the dimensions of the pull-off should be revised to 10-ft wide and 50-ft long with tapers of 25-ft to accommodate emergency vehicles.
19. The soil tests must be witnessed by the Planning Board Engineer.
20. The 9-1-1 address must be included on Sheet 1.
21. A stabilized construction entranceway must be shown for the proposed driveway.
22. Provide a map note stating that, "No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained."

23. Surveyor to certify that iron rods have been set at all property corners.
24. The shared driveway agreement must be submitted to the Planning Board attorney for review.
25. The declaration for the agricultural notes and ridgeline overlay notes must be added to the plans.
26. The recording information for the two new parcel deeds must be submitted.
27. Payment of all fees.

The following comment submitted by the Conservation Board, dated 6/19/13:

Corinna Sanford Lewis Lot Line Change - The CB has no comment at this time. The CB supports the use of a single driveway to access the proposed second dwelling to eliminate the need for a second long driveway and an additional stream crossing.

The following comment submitted by the ARB, dated 6/19/13:

Corinna Sanford Lewis Lot Line Change – The ARB has no comments at this time. We would however like to see elevations of the new structures when completed.

Comment #1: Planning Board to discuss SEQRA.

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

Mr. McConnell makes a motion for Lead Agency.

Seconded by Ms. Little. 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: Lands of Lewis Re-Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by Corinna Lewis for a ± 25.7 acre parcel of land located at Route 94N near Old Ridge Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 5/28/2013 was submitted at the time of application, and

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

Kirk Rother: The application is for a lot line change between 2 existing parcels of land. It is situated on the eastern side of State Route 94N. It is just north of the Village's limits. Lot #2 on the map is identified as a vacant parcel of land. It is approximately 9-acres in size. Lot #1 has an existing single-family dwelling on the lot with a barn. It is approximately 16 acres in size. The applicant would like to roughly convey 5 acres from Lot #1 to Lot #2 with the purpose of creating a more desirable home site where the owners live.

Comment #3: Conservation Board comments: pending

Laura Barca: Ben, the CB has a comment dated 6/19/13. It is stated as follows: "*The CB has no comment at this time. The CB supports the use of a single driveway to access the proposed second dwelling to eliminate the need for a second long driveway and an additional stream crossing*".

Mr. Astorino: Thank you.

Comment #4: Architectural Review Board comments: 06/18/13 no comments at this time

Mr. Astorino: They would like to see elevations of the new structures when completed.

Comment #5: OC Planning Department: pending submittal

Comment #6: Please provide the deeds for the parcels included within this subdivision.

Kirk Rother: Will do.

Comment #7: Provide color mappings of NYSDEC Enviromapper that show the project site and 100-ft beyond the property boundaries.

Kirk Rother: Ok.

Comment #8: Provide National Wetlands Inventory mapping showing the project site and 100-ft beyond the property boundaries.

Kirk Rother: Yes.

Comment #9: FEMA floodplain mapping showing the project site and 100-ft beyond the property boundaries.

Kirk Rother: Ok.

Comment #10: Submit the Notice of Ground Disturbance form.

Kirk Rother: Will do.

Comment #11: The areas with 15 to 25 or greater than 25% slopes should be shown on the plan; or a note stating that there are none.

Kirk Rother: Yes.

Comment #12: Applicant must show all wells and septic systems within 300-ft of the proposed systems (the existing septic for 31-2-64.11 is not shown on the plans).

Kirk Rother: Right. That is for the existing house on the lot.

Comment #13: The stream information, NYSDEC Class C(t), should be included on the plan along with a note that states that no stream disturbance is proposed.

Kirk Rother: Ok.

Comment #14: Applicant to call out the size and material of the culvert shown on the plan.

Kirk Rother: Yes.

Comment #15: Site distance and roadway speed limit must be shown §137 Appendix F(2) for the existing driveway entrance because the intensity of its use is being increased.

Kirk Rother: Ok.

Comment #16: The slope of the proposed driveway is measured to be greater than 10%; this would require that the driveway be paved in its entirety and the driveway detail would have to be modified.

Kirk Rother: We will revise the grading. It will be 10%.

Comment #17: If the proposed driveway is to be paved, coordination with Columbia Gas would be required because this company does not typically prefer paved areas in its easements.

Mr. Astorino: This would not count. You would not be paving.

Mr. Bollenbach: I believe the driveway crossings still need to be signed off by Columbia Gas.

Mr. Astorino: Do you mean for the existing driveway?

Mr. Bollenbach: No. There is a new proposed driveway.

Mr. Astorino: Ok.

Kirk Rother: We spoke about that at the Work Session. We have already met with Columbia Gas.

Mr. Bollenbach: Provide us with some documentation.

Kirk Rother: Ok. Will do.

Comment #18: The shared portion of the driveway currently measured 10 to 12-ft wide and the width at the culvert appears to be 15-ft wide. In accordance with §164-41.2.K(2), a shared driveway must have a minimum width of 16-ft. An alternative would be to show turnouts every 250 to 300-ft along the shared portion of the driveway on the plans. A detail for the turnaround must be included in the plan, if this is the alternative selected. The detail must include a foundation base similar to the driveway (6-in) to provide support for vehicles when using the pull off. Also, the dimensions of the pull-off should be revised to 10-ft wide and 50-ft long with tapers of 25-ft to accommodate emergency vehicles.

Kirk Rother: We will pursue the lateral and the details. I don't know why it was not in the plan yet. I will take care of that.

Mr. Astorino: Ok.

Comment #19: The soil tests must be witnessed by the Planning Board Engineer.

Mr. Astorino: I thought you already had done that.

Kirk Rother: We already have done the soil tests. I am just curious about something. It use to be done then it wasn't done. Now we are doing it again. Has it changed?

Laura Barca: No. We have never done that.

Kirk Rother: So, did it only stop for individual septic systems or site plans?

Laura Barca: If it is in front of the Planning Board, it is witnessed.

Kirk Rother: Ok.

Laura Barca: If it is in front of the Building Department that is their thing.

Kirk Rother: Ok. No problem.

Comment #20: The 9-1-1 address must be included on Sheet 1.

Kirk Rother: Yes.

Comment #21: A stabilized construction entranceway must be shown for the proposed driveway.

Kirk Rother: Ok.

Comment #22: Provide a map note stating that, "No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained."

Kirk Rother: Yes. We are fine with the rest of the comments.

Mr. Astorino: Ok. We will list Comments 23 through 27 for the record. Do any Board members or Professionals have any comments?

Comment #23: Surveyor to certify that iron rods have been set at all property corners.

Comment #24: The shared driveway agreement must be submitted to the Planning Board attorney for review.

Comment #25: The declaration for the agricultural notes and ridgeline overlay notes must be added to the plans.

Comment #26: The recording information for the two new parcel deeds must be submitted.

Comment #27: Payment of all fees.

Mr. Fink: As far as the Ridgeline Overlay District and there is construction proposed; we will need a line-of-sight.

Kirk Rother: Ok. We wish to be set for a public hearing.

Mr. Ruskiewicz makes a motion to set the Corinna Sanford Lewis Lot Line Change application for a Final Public Hearing at the next available agenda.

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

Kirk Rother: Thank you.

Other Considerations:

1. **Lands of Mongelluzzo** – Letter from Kirk Rother, P.E., addressed to the Planning Board, dated 5/20/13 in regards to the Mongelluzzo Subdivision – requesting a 11th 6-Month Extension on Preliminary Approval of a proposed 2-Lot Cluster subdivision, situated on tax parcel SBL # 31-2-44.22; parcel located on the southeasterly side of Ackerman Road 1200± feet off the intersection of Kings Highway (C.H. 13), in the RU zone. Preliminary Approval was granted on 11/21/07. *The Applicant has stated that they have submitted revised subdivision set of plans to the Planning Board, Planning Board Engineer, and Planning Board Attorney.* The 11th 6-Month Extension becomes effective on, 5/21/13.

Representing the applicant: Kirk Rother, P.E.

Kirk Rother: We did not submit revised plans. I don't know why that was on the letter.

Connie Sardo: James had told me that you would be making a submittal.

Kirk Rother: Yes. We were planning on it.

Mr. Astorino: What are you doing now? You had said that you weren't going up Entin Terrace. You said you would be coming out of Ackerman Road. Has that changed?

Kirk Rother: No. We still plan to come out of Ackerman. If the Board recalls, we originally had a plan for Entin Terrace. That is a private road. There was an Easement Agreement. We had to get a DEC Stream Crossing Permit. That was taking a long time to get. The owner of Entin Terrace got cold feet. They no longer wish to allow the Easement Agreement. We came to the Board with an alternative plan to come out onto Ackerman Road. I met out there with you & Laura. We agreed that some improvements needed to be made to the curb. Now that is currently where we stand. Up until that point, a lot of that work I had done pro-bono for the Mongelluzzos. The survey that occurred and the engineering are starting to cost them some monies. They still want to pursue it. We are still moving ahead.

Connie Sardo: Have you been keeping in contact with the Mongelluzzos?

Kirk Rother: I haven't spoken to them in a while. They call you before they would call me. This would be their retirement. They still want to pursue it. I am helping them out the best I can.

Connie Sardo: Ok.

Mr. Astorino: Ok.

Mr. McConnell makes a motion on the Lands of Mongelluzzo application, granting a 11th 6-Month Extension on Preliminary Approval of a proposed 2-Lot Cluster subdivision, SBL # 31-2-44.32. Preliminary Approval was granted on, 11/21/07.

The 11th 6-Month Extension becomes effective on, 5/21/13.

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

2. **The Gables @ Warwick Subdivision** – Letter from Karen Emmerich from Lehman & Getz Engineering addressed to the Planning Board dated 5/30/13 in regards to the Gables Subdivision – requesting a 6-Month Extension on the 5th Re-Approval of Final Approval of a proposed 15-Lot Cluster subdivision, situated on tax parcel SBL # 44-1-132; parcel located along the southern side of State Highway 17A at the intersection of the east end of Ketchum Road, in the RU zone. Conditional Final Approval was granted on, 12/5/07. *The Applicant has stated that the extension is needed because they are dependent on a water supply system that is proposed for both the Gables & BCM projects.* The 5th Re-Approval of Final Approval was granted on 10/17/12 became effective on 12/5/12. The 6-Month Extension becomes effective on, 6/5/13.

Mr. Astorino: I believe they are coming back with some different options. I don't think BCM is going to go too far.

Mr. McConnell: Not anytime soon.

Mr. Bollenbach: I just want to give the Board a heads up on that. Laura, don't we have a meeting scheduled with them soon?

Laura Barca: We have a potential meeting scheduled for Tuesday, 6/25/13 in the morning with the applicant's Engineer and with John and I to see how they are going to move forward.

Mr. Bollenbach: There was some discussion about them having individual wells.

Mr. Astorino: What about septics?

Laura Barca: They already have septics.

Mr. Bollenbach: This is with Gables. They already have individual septics. They are considering individual wells rather than a Water District.

Laura Barca: I don't know if they were actually in the Water District yet.

Mr. Bollenbach: I believe there was a back up Water District created for that. I would have to take a look into that.

Mr. Astorino: Don't forget those lots were tight in there.

Mr. Bollenbach: Yes. They would have to maintain the separation distances for the wells and septics if they could overcome the other obstacles.

Laura Barca: It would have to go back to OCHD.

Mr. Astorino: Ok. I guess you would find this all out on Tuesday.

Ms. Little makes a motion on The Gables @ Warwick Subdivision, granting granted a 6-Month Extension on 5th Re-Approval of Final Approval of a proposed 15-Lot Cluster subdivision. SBL # 44-1-132. Conditional Final Approval was granted on 12/5/07.

The 6-Month Extension on the 5th Re-Approval of Final Approval becomes effective on, 6/5/13.

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

3. **Tinnirello Subdivision** – Letter from Douglas Tinnirello addressed to the Planning Board, dated 6/5/13 in regards to the Tinnirello Subdivision – requesting **4th 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 NYS Route 94 1000 feet southwest of Wawayanda Road, in the RU zone. Conditional Final Approval was granted on, 6/17/09. *The Applicant has stated that the Re-Approval is need due to the continued depressed state of the economy and they are not able to generate enough income to cover the costs for Parkland Fees and any other fees or expenses related to the project.* The 4th Re-Approval of Final Approval becomes effective on, 6/17/13, subject to the conditions of Final Approval granted on, 6/17/09.

Connie Sardo: I have been speaking to Lucy Ann. They do plan on finishing the subdivision up within the next 6 months. She said it would be done within this year. Her husband passed away last year. That has set them back quite a bit. They are almost there. They want this done. They are still working on it.

Mr. Astorino: Ok. It is what it is.

Mr. Ruskiewicz makes a motion on the Tinnirello Subdivision, granting “**4th Re-Approval**” of Final Approval for a proposed 3-Lot cluster subdivision, situated on tax parcels S 49 B 1 L 56 and L 45.42; parcels located on the southeast side of NYS Route 94 1000 feet southwest of Wawayanda Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of Final Approval granted on 6/17/09. (See attached)

The 4th Re-Approval of Final Approval becomes effective on, 6/17/13, subject to the conditions of final approval granted on, 6/17/09.

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

4. **Watchtower** – Planning Board to discuss setting Watchtower for a public hearing at the next available agenda.

Mr. McConnell makes a motion to set the Watchtower application for a Public Hearing for the July 17, 2013 Planning Board Meeting.

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

5. Planning Board to Approve the May 15, 2013 Planning Board Minutes.

Mr. McConnell makes a motion to Approve the May 15, 2013 Planning Board Minutes.

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

6. Planning Board to discuss canceling the 6/24/13 Work Session & July 3, 2013 Planning Board Meeting due to the 4th of July Holiday.

Ms. Little makes a motion to cancel the 6/24/13 Work Session & July 3, 2013 Planning Board Meeting.

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

Correspondences:

HOMARC, LLC. – Amended Draft Scoping Document & Notice of Public Re-Scoping.

Mr. Astorino: The Board has a copy of that in their packets. It has been noticed on the Website and everywhere. Do any Board Members or Professionals have any comments or concerns?

Mr. Fink: Connie, did you send it out to all of the Involved and Interested Agencies?

Connie Sardo: Yes. It is on the Website and TV. It was advertised in the Dispatch today. It will be advertised again in the Dispatch next week. It has been noticed everywhere.

Mr. Fink: Good.

Mr. Astorino: Ok.

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.

Connie Sardo: Happy Birthday to Chris Little.

Mr. Astorino: Yes. Happy Birthday.

Ms. Little: Thank you.

Mr. McConnell makes a motion to adjourn the June 19, 2013 Planning Board meeting.

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