

TOWN OF WARWICK PLANNING BOARD

July 17, 2013

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, July 17, 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.

PUBLIC HEARING OF Watchtower Bible & Tract Society of NY, Inc.

Application for Site Plan Approval and Special Use Permit for the construction and use of a World Headquarters of Jehovah's Witnesses to include religious use of an administration offices building and place of worship, a services building, four residential buildings, a vehicle maintenance building, a powerhouse/maintenance building, a recreational building and courts, and parking areas on approximately 50 acres of previously developed land on a 261-acre site, situated on tax parcels S 85 B 1 L 2.22, 2.3, 5.22, and 6; parcel located on the southwest side of Long Meadow Road 6,000 feet north of Sterling Mine Road (CR 72) in the LC Zoning District of the Town of Warwick, County of Orange, State of New York. The Planning Board adopted a Positive Declaration under the State Environmental Quality Review Act (SEQR) on 10/7/09. The Planning Board adopted a Final Scoping Document on 12/16/09 for a Draft Environmental Impact Statement (EIS). The Planning Board deemed the Draft EIS complete on 5/4/11. On 1/8/12, the Planning Board adopted the Final EIS. On 8/1/12, the Planning Board adopted a Written Findings Statement.

Representing the applicant: Enrique Ford and Brian Ware, Applicants.

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

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 07/17/13 no comments
4. ARB comments: 09/12/12; 05/14/13 no comments at this time
5. Orange County Planning Department: 08/15/11 & 06/29/12 during SEQRA review; 04/19/13 for GML review; two advisory comments: open space and treat all stormwater
6. See attached for complete outside agency permits and approvals status.

7. Legal descriptions and conservation language must be submitted for review and approval.
8. The applicant has updated the sign and provided Note #4. The Entrance Monument Sign drawing is noted as Sheet A-102. There is also a Sheet A-102 in the plan set. For consistency and clarity, the applicant shall revise the sheet number and included the new sheet in the overall plan set as well as on the title sheet.
9. Sheet CG101 – The applicant shall extend the swale on the west side of Residence C to the outlet from HW-14.
10. The Applicant is requesting a waiver for the height restriction in the Ridgeline Overlay District.
11. Applicant is requesting a waiver for the lighting of the sports court.
12. Please add the following to Sheet G-001 General Note 11. Anytime 5 acres or more is disturbed, there shall be two stormwater inspections per week or other inspection schedule as required by the Town of Warwick.
13. Applicant to add a note to G-001: No work under USACE permits NWP12 and NWP39 will be conducted until the NYSDEC 401 Water Certification has been issued and submitted to the Town of Warwick.
14. Applicant to add a note to G-011: No construction shall commence until a pre-construction meeting with all relevant personnel from Watchtower, the Town of Warwick, and the Town's consultants has taken place.
15. Payment of any applicable bonds and/or inspection fees that are deemed necessary by the Planning Board.
16. Declaration information for Open Space Notes, Ridgeline Overlay Notes, Storm Water Maintenance, Biodiversity, and School-Aged Children (Sheet 1, Note 7).
17. Payment of Recreational Fee.
18. Payment of all fees.

To be submitted prior to a Certificate of Occupancy:

1. As a condition of Certificate of Occupancy, the applicant shall prepare detailed views of each bioretention to ensure that these areas are being designed in accordance with the NYSDEC Stormwater Manual.
2. The Minimum spacing has been provided with the understanding that final plant locations will be completed upon planting, as a condition of Certificate of Occupancy, the Town must verify locations and number of plants.
3. Fire flow calculations and a hydrant service area diagram must be provided to the Building Department prior to the issuance of a Certificate of Occupancy or as determined by the Building Inspector (Sheet G-001 General Note 19).

To be submitted:

1. Applicant to submit final agreement with Orange & Rockland when it is executed.

The following comment submitted by the Conservation Board, dated 7/17/13:

Watchtower Bible & Tract Society of NY, Inc. – No further comments.

The following comment submitted by the ARB:

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

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board had adopted the Findings Statement 8/1/12. In terms of SEQRA, everything has been fully complied with. Within the last year, we have been working to make sure that all of the Findings have been incorporated into the site plan.

Comment #2: Applicant to discuss project.

Mr. Astorino: Do any Board members have any questions? I think we are all aware of the project.

Comment #3: Conservation Board comments: 07/17/13 no comments.

Comment #4: ARB comments: 09/12/12; 05/14/13 no comments at this time.

Comment #5: Orange County Planning Department: 08/15/11 & 06/29/12 during SEQRA review; 04/19/13 for GML review; two advisory comments: open space and treat all stormwater.

Mr. Astorino: I believe that has been complied with.

Mr. Fink: We do owe them a letter once action has been taken.

Mr. Astorino: Ok. Connie will get that out to them.

Connie Sardo: Yes.

Comment #6: See attached for complete outside agency permits and approvals status.

Mr. Astorino: We have that. We all know where we are with that. That is attached to our review letter.

Comment #7: Legal descriptions and conservation language must be submitted for review and approval.

Mr. Bollenbach: The declaration has been recorded. I just have to confirm that the recording information has been placed on the map. I will do that tomorrow.

Mr. Astorino: Ok.

Comment #8: The applicant has updated the sign and provided Note #4. The Entrance Monument Sign drawing is noted as Sheet A-102. There is also a Sheet A-102 in the plan set. For consistency and clarity, the applicant shall revise the sheet number and included the new sheet in the overall plan set as well as on the title sheet.

Enrique Ford: That has been done.

Comment #9: Sheet CG101 – The applicant shall extend the swale on the west side of Residence C to the outlet from HW-14.

Enrique Ford: Yes.

Comment #10: The Applicant is requesting a waiver for the height restriction in the Ridgeline Overlay District.

Mr. Astorino: We discussed that at the beginning of this project. Do any Board members or Professionals have any comments?

Mr. Fink: We had discussed that. There was a modification made to the Ridgeline Overlay note to indicate that there was a visual analysis done. It was founded to be no significant adverse impact on the visual.

Mr. Astorino: Ok.

Comment #11: Applicant is requesting a waiver for the lighting of the sports court.

Mr. Astorino: Ted, I don't know if that is a waiver. Is it a waiver?

Mr. Fink: I don't believe it is.

Mr. Astorino: I think it is allowed.

Mr. Bollenbach: Just grant it as a waiver.

Mr. Astorino: Do you want it as a waiver?

Mr. Bollenbach: Yes. Just include it.

Mr. Astorino: Ok.

Comment #12: Please add the following to Sheet G-001 General Note 11. Anytime 5 acres or more is disturbed, there shall be two stormwater inspections per week or other inspection schedule as required by the Town of Warwick.

Enrique Ford: No problem.

Comment #13: Applicant to add a note to G-001: No work under USACE permits NWP12 and NWP39 will be conducted until the NYSDEC 401 Water Certification has been issued and submitted to the Town of Warwick.

Enrique Ford: That is a new comment.

Mr. Astorino: Yes.

Laura Barca: Yes. It is.

Mr. Astorino: That would have to be added to that sheet. Just get us that one sheet.

Enrique Ford: What is specifically covered by that?

Laura Barca: It is the wetland disturbance under the USACOE.

Enrique Ford: No problem. We agree to that.

Brian Ware: Yes.

Mr. Showalter: Laura, was that something we just learned about recently?

Laura Barca: Basically yes. Up until this morning and early this afternoon, Rebecca had said she would have time to get this back to the Town and back to Watchtower prior to this meeting tonight. At 4:30p.m. today, she didn't have it done.

Mr. Astorino: Ok. We will put that note on the plan.

Enrique Ford: Yes. That would be no problem. Just to clear everyone's mind, of the 50 acres being disturbed, it would only be 125 square feet of wetland being disturbed.

Laura Barca: Yes.

Mr. Fink: What it is, it is the Army Core's Nationwide Permit which covers that 125 square feet of fill and certification. It is a certification to show that the fill material is clean.

Mr. Showalter: It has to be done.

Enrique Ford: We are happy to do that.

Comment #14: Applicant to add a note to G-001: No construction shall commence until a pre-construction meeting with all relevant personnel from Watchtower, the Town of Warwick, and the Town's consultants has taken place.

Enrique Ford: No problem. At the construction meeting, who would need to attend?

Laura Barca: Probably the ones that would be at the Friday's pre-construction meeting. It would probably be the same people at the construction meetings.

Enrique Ford: No problem. The object of the meeting is to go over sections and sequence.

Laura Barca: Yes. At the meeting, we would find out who would be responsible for what. We want to make sure everyone is on the same page.

Enrique Ford: No problem. We could include that in this coming Friday meeting at 9am.

Mr. Astorino: That would be a wise move.

Comment #15: Payment of any applicable bonds and/or inspection fees that are deemed necessary by the Planning Board.

Enrique Ford: We have all of that for you now.

Mr. Astorino: Ok. You could give that to our Secretary.

Mr. Bollenbach: I will take a look at that tomorrow.

Mr. Astorino: Ok.

Comment #16: Declaration information for Open Space Notes, Ridgeline Overlay Notes, Storm Water Maintenance, Biodiversity, and School-Aged Children (Sheet 1, Note 7).

Mr. Astorino: John, are you reviewing that?

Mr. Bollenbach: Yes.

Comment #17: Payment of Recreational Fee.

Enrique Ford: We have done that.

Comment #18: Payment of all fees.

Enrique Ford: We have done that.

To be submitted prior to a Certificate of Occupancy:

Comment #1: As a condition of Certificate of Occupancy, the applicant shall prepare detailed views of each bioretention to ensure that these areas are being designed in accordance with the NYSDEC Stormwater Manual.

Enrique Ford: Fine.

Comment #2: The Minimum spacing has been provided with the understanding that final plant locations will be completed upon planting, as a condition of Certificate of Occupancy, the Town must verify locations and number of plants.

Enrique Ford: Yes.

Comment #3: Fire flow calculations and a hydrant service area diagram must be provided to the Building Department prior to the issuance of a Certificate of Occupancy or as determined by the Building Inspector (Sheet G-001 General Note 19).

Enrique Ford: Yes.

To be submitted:

Comment #1. Applicant to submit final agreement with Orange & Rockland when it is executed.

Enrique Ford: Yes.

Mr. Astorino: Do any Board members or Professionals have any comments? This is a public hearing. If there is anyone in the audience wishing to address the Watchtower application, please rise and state your name for the record. Let the record show no public comment. We will need a motion for the waivers, waiver #10 and #11.

Mr. McConnell makes a motion to waive the height restriction in the Ridgeline Overlay District and to waive the lighting of the sports court.

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

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

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

Mr. Showalter makes a motion on the Watchtower Bible & Tract Society of NY, Inc., application, granting Site Plan Approval and Special Use Permit for the construction and use of a World Headquarters of Jehovah's Witnesses to include religious use of an administration offices building and place of worship, a services building, four residential buildings, a vehicle maintenance building, a powerhouse/maintenance building, a recreational building and courts, and parking areas on approximately 50 acres of previously developed land on a 261-acre site, situated on tax parcels S 85 B 1 L 2.22, 2.3, 5.22, and 6; parcel located on the southwest side of Long Meadow Road 6,000 feet north of Sterling Mine Road (CR 72) in the LC Zoning District of the Town of Warwick, County of Orange, State of New York. The Planning Board adopted a Positive Declaration under the State Environmental Quality Review Act (SEQR) on 10/7/09. The Planning Board adopted a Final Scoping Document on 12/16/09 for a Draft Environmental Impact Statement (EIS). The Planning Board deemed the Draft EIS complete on 5/4/11. On 1/8/12, the Planning Board adopted the Final EIS. On 8/1/12, the Planning Board adopted a Written Findings Statement. Approval is granted subject to the following conditions:

1. See attached for complete outside agency permits and approvals status.
2. Legal descriptions and conservation language must be submitted for review and approval.
3. The applicant has updated the sign and provided Note #4. The Entrance Monument Sign drawing is noted as Sheet A-102. There is also a Sheet A-102 in the plan set. For consistency and clarity, the applicant shall revise the sheet number and include the new sheet in the overall plan set as well as on the title sheet.
4. Sheet CG101 – The applicant shall extend the swale on the west side of Residence C to the outlet from HW-14.
5. The Applicant is requesting a waiver for the height restriction in the Ridgeline Overlay District. Granted July 17, 2013.
6. Applicant is requesting a waiver for the lighting of the sports court. Granted July 17, 2013.
7. Please add the following to Sheet G-001 General Note 11. Anytime 5 acres or more is disturbed, there shall be two stormwater inspections per week or other inspection schedule is required by the Town of Warwick.
8. Applicant to add a note to G-001: No work under USACE permits NWP12 and NWP39 will be conducted until the NYSDEC 401 Water Certification has been issued and submitted to the Town of Warwick.
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To be submitted prior to a Certificate of Occupancy:

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3. Fire flow calculations and a hydrant service area diagram must be provided to the Building Department prior to the issuance of a Certificate of Occupancy or as determined by the Building Inspector (Sheet G-001 General Note 19).

To be submitted:

1. Applicant to submit final agreement with Orange & Rockland when it is executed.

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

Enrique Ford: Thank you.

Brian Ware: Thank you.

PUBLIC HEARING OF Corinna Lewis

Application for Final Approval of a proposed Lot Line Change, situated on tax parcels S 31 B 2 L 64.11 and L 64.32 ; parcels located on the eastern side of State Route 94N 1000 feet south of Old Ridge Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Kirk Rother, P.E.

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

Mr. Astorino: Thank you.

The following review comment submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 06/12/13 supports use of shared driveway
4. Architectural Review Board comments: 06/18/13 no comments at this time
5. OC Planning Department: 06/28/13 advisory comment to ensure that single access point is sufficient to support proposed traffic and a shared maintenance agreement should be prepared
6. NYSDOT: pending
7. Provide 10-ft contour labeling.
8. The limits of disturbance shall include the area around the well.
9. Applicant to clarify if the utilities to the proposed home will be underground or if a waiver will be requested to go overhead.
10. 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.
11. The applicable driveway notes should be added (Notes 1-7; Note 4 should state that if the driveway exceeds 10% slope, then it will be paved in its entirety.
12. 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.
13. The detail does not provide information on the cross section of the pull-off area.
14. The 9-1-1 address must be included on Sheet 1.
15. The shared portion of the driveway must be paved. (PB to determine)
16. Surveyor to certify that iron rods have been set at all property corners.
17. The shared driveway agreement must be submitted to the Planning Board attorney for review.
18. The declaration for the agricultural notes and ridgeline overlay notes must be added to the plans.
19. The recording information for the two new parcel deeds must be submitted.
20. Payment of all fees.

The following comment submitted by the Conservation Board, dated 7/17/13:

Corinna Lewis – The CB has no comment.

The following comment submitted by the ARB:

Corinna Lewis – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has declared itself Lead Agency on this application. It is an Unlisted Action. We have been reviewing it with the short EAF. There was one issue. The property is located within the Ridgeline Overlay District. The applicant had prepared a line-of-sight profile. It shows that the area where the proposed structure is to be, it is well insulated from Route 94 which is a scenic route by vegetation. It doesn't appear if this would be at all visible from Route 94. There are just a couple of things in the Ridgeline Overlay District. I don't know if the applicant is ok with the 25' height restriction or if they would be requesting a waiver for the 35' height based upon the line-of-sight profiles. There is also a requirement for tree planting if it is necessary to screen and buffer the building.

Mr. Astorino: You can't see it.

Mr. Fink: It is also surrounded by woods.

Kirk Rother: I believe on the line-of-sight profile plan, we show a 35' height. Is that correct?

Mr. Fink: I have the profile.

Kirk Rother: I believe we do.

Mr. Bollenbach: We could have Ted verify that. It could be the 35 feet. The proposed building is set well back and it is well shielded. The natural vegetation could be in lieu of the additional plantings.

Mr. Astorino: Ok.

Comment #2: Applicant to discuss project.

Kirk Rother: This application is a proposed lot line change between 2 existing parcels of land. One parcel has an existing single-family dwelling on it. We have Lot #2 on the map. It is situated off Route 94. It is currently approximately 9 acres in size. We would like to convey approximately 5 acres of land from Lot #1 to Lot #2. They would like to make it a more desirable home site for the applicant's daughter.

Comment #3: Conservation Board comments: 06/12/13 supports use of shared driveway
Comment #4: Architectural Review Board comments: 06/18/13 no comments at this time
Comment #5: OC Planning Department: 06/28/13 advisory comment to ensure that single access point is sufficient to support proposed traffic and a shared maintenance agreement should be prepared

Comment #6: NYSDOT: pending

Mr. Astorino: Didn't we get something on that?

Laura Barca: No.

Comment #7: Provide 10-ft contour labeling.

Kirk Rother: Ok.

Comment #8: The limits of disturbance shall include the area around the well.

Kirk Rother: Ok.

Comment #9: Applicant to clarify if the utilities to the proposed home will be underground or if a waiver will be requested to go overhead.

Laura Barca: That is a new comment. The utilities for the new house are going to cross over the pipeline. Typically the Town of Warwick requires the utilities to go underneath the ground.

Mr. Astorino: It would be wiser to go with above utilities in this situation.

Mr. Showalter: Yes. It would be smart to do it that way.

Kirk Rother: Yes. I don't think we would be allowed to go underneath the ground.

Mr. Astorino: John, would that be a waiver?

Mr. Bollenbach: Yes. It would just be in the immediate vicinity of the pipeline.

Mr. Astorino: Just for that area. So, it would be underground to that pipeline then over then back underground.

Mr. Bollenbach: We need verification from the Gas Company if they allow it.

Kirk Rother: I don't know if they could do that. I think we go overhead to past the pipeline then go underground. Where that transition occurs, there is a transformer and stuff there.

Mr. Showalter: John, maybe it would be a good idea to check in with the pipeline company. Maybe they have a recommendation or something.

Mr. Astorino: I don't know off the top of my head, but I would assume they wouldn't want you to be messing anywhere near their line especially with digging.

Mr. Bollenbach: Have you already contacted them for the driveway location?

Kirk Rother: Yes.

Mr. Astorino: In my view, I don't know how the Board feels. We have a line-of-sight. You wouldn't be seeing it from anywhere. If you want to go overhead, go overhead to the home.

Mr. McConnell: We didn't do a line-of-sight for the power lines.

Mr. Astorino: I don't think they would be much more than 35 feet.

Kirk Rother: I don't think you would see them. We are at almost 1400 feet from Route 94.

Mr. Bollenbach: I don't think the sight of the overhead utilities is a concern. It is a safety concern as well. We would have to take a look at that. That could be a condition.

Kirk Rother: Ok. I will ask Millenium if we are allowed to go underground.

Comment #10: 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: I have slope shading. It shows up on my page. It is on the plan. I will make sure that it is on the plan.

Laura Barca: Ok.

Comment #11: The applicable driveway notes should be added (Notes 1-7; Note 4 should state that if the driveway exceeds 10% slope, then it will be paved in its entirety.

Kirk Rother: We will add that.

Comment #12: 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.

Kirk Rother: Right. We would rather not pave.

Comment #13: The detail does not provide information on the cross section of the pull-off area.

Kirk Rother: We will add that.

Comment #14: The 9-1-1 address must be included on Sheet 1.

Kirk Rother: It is on my sheet. I will check to make sure.

Comment #15: The shared portion of the driveway must be paved. (PB to determine)

Kirk Rother: I don't see a need for that.

Mr. Astorino: I think we had discussed this at the Work Session. It is a gravel drive going down. I don't see a need for that.

Mr. Bollenbach: It is existing.

Mr. Astorino: Ok. We determined that. We could waive that.

Comment #16: Surveyor to certify that iron rods have been set at all property corners.

Kirk Rother: Yes.

Comment #17: The shared driveway agreement must be submitted to the Planning Board attorney for review.

Kirk Rother: Ok.

Comment #18: The declaration for the agricultural notes and ridgeline overlay notes must be added to the plans.

Kirk Rother: Yes.

Comment #19: The recording information for the two new parcel deeds must be submitted.

Kirk Rother: Yes.

Comment #20: Payment of all fees.

Kirk Rother: Ok.

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

Mr. Showalter makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: Lewis Re-Subdivision

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

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

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated May 28, 2013, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

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

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

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

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

Mr. Showalter makes a motion to grant a waiver that the utilities to the proposed home will be underground to the extent practicable. A waiver is requested for overhead wires in the immediate vicinity of the Columbia Gas Easement and grants a waiver for the paving of the shared portion of the driveway.

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

Mr. Kennedy makes a motion on the Corinna Lewis application, granting Final Approval 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 Route 94N 1000 feet south of Old Ridge Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on July 17, 2013. Approval is granted subject to the following conditions:

1. NYSDOT: pending
2. Provide 10-ft contour labeling.
3. The limits of disturbance shall include the area around the well.
4. Applicant to clarify if the utilities to the proposed home will be underground or if a waiver will be requested to go overhead. Waived to minimum extent necessary on 7/17/13.
5. 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.
6. The applicable driveway notes should be added (Notes 1-7; Note 4 should state that if the driveway exceeds 10% slope, then it will be paved in its entirety.
7. 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. Columbia Gas will need to submit a No Objection Letter.

8. The detail does not provide information on the cross section of the pull-off area.
9. The 9-1-1 address must be included on Sheet 1.
10. The shared portion of the driveway must be paved. Paving waived, 7/17/13.
11. Surveyor to certify that iron rods have been set at all property corners.
12. The shared driveway agreement must be submitted to the Planning Board attorney for review.
13. The declaration for the agricultural notes and ridgeline overlay notes must be added to the plans.
14. The recording information for the two new parcel deeds must be submitted.
15. Payment of all fees.

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

Kirk Rother: Thank you.

Review of Submitted Maps:***Norma Jean Fusco Subdivision***

Application for “Amended” Preliminary Approval for filing a 12-Lot cluster subdivision in Sections and an Application for “Amended” Final Approval for Section I to consist of a proposed 3-Lot Cluster subdivision, situated on tax parcel S 18 B 1 L 31.2; parcel located on the southern side of Taylor Road 900± feet east of the intersection of Taylor Road and Jessup Road, in the RU zone, of the Town of Warwick. Original Final Approval was granted on, 7/21/10.

Representing the applicant: Dave Higgins, Lanc & Tully Engineering.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 07/17/13 no comments at this time
4. Architectural Review Board comments: 07/17/13 no comments at this time
5. OCPD: pending
6. Sheet 1, Note 14 shall state, “No lot is to be further subdivided.”
7. Applicant to clarify the expiration date of the USACE wetland permit and if this permit is relevant any more.
8. Sheet 3 indicates that the Home Owner’s Association (HOA) will own the private road; Applicant to clarify that it is understood the property lines run to the center of the private road.
9. The declaration information for the Ridgeline Notes, Agricultural Notes, Affordable Housing, Private Road, Drainage Maintenance, Home Owner’s Association, and Open Space Notes will need to be shown on the drawing. All Open Space will be recorded at this time.
10. A legal description and declaration for the dedication strip to the Town for highway purposes will need to be submitted.
11. Surveyor to certify that iron rods have been set at all property corners.
12. Payment of Performance Bond and Landscaping Bond.
13. Payment of Inspection Fees.
14. Payment of recreation fees for the number of lots created in Section 1.
15. Payment of all fees.

The following comment submitted by the Conservation Board, dated 7/17/13:

Norma Jean Fusco Subdivision – No further comments.

The following comment submitted by the ARB:

Norma Jean Fusco Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board had issued a Negative Declaration on the prior subdivision approval. I went back and checked the Negative Declaration against the proposed plans. It would be a lesser impact from the present plan. SEQRA does not need to be reopened. The only time it would need to be reopened was if it would create a greater impact. In this situation, it is not.

Comment#2: Applicant to discuss project.

Dave Higgins: This is an amended subdivision plan that has been submitted to the Planning Board. In the past, this project has been reviewed and approved numerous times. This is a Sectionalizing plan that we are proposing. Originally, it was a 13-lot subdivision. We have reduced it to a 12-lot subdivision. It is to be subdivided into two sections. The first section is to consist of Lot 1, which is the farm lot. Lot 12, which is located at the rear of the property. Lot 2 which would be further subdivided in the future would be done in Section II which would be a total of 10 lots.

Comment #3: Conservation Board comments: 07/17/13 no comments at this time

Comment #4: Architectural Review Board comments: 07/17/13 no comments at this time

Comment #5: OCPD: pending

Comment #6: Sheet 1, Note 14 shall state, "No lot is to be further subdivided."

Mr. Bollenbach: Isn't it just Lot #1 and Lot #12 that is not to be further subdivided? Lot #2 is proposed to be subdivided. Laura, could you shed some light on that?

Laura Barca: We could revise to say that.

Dave Higgins: I know on the final subdivision map for Section 1, we did include a note that says this plan for Section I propose the development of 3 residential lots. The 26.054± acre Lot 2 shown here on may be developed in the future in accordance with an Overall Sectionalized Subdivision Plan reviewed and approved by the Town of Warwick. I guess the idea is the Overall Sectionalized Plan would be on file with the Town. This would be the wording for if anyone that gets the map about the further subdividing of Section II.

Mr. Bollenbach: Let's add to that comment. We will add, revise to the Planning Board Attorney's specifications.

Dave Higgins: Ok.

Comment #7: Applicant to clarify the expiration date of the USACE wetland permit and if this permit is relevant any more.

Mr. Astorino: Wasn't that just for that crossing?

Dave Higgins: Yes. We have some driveway crossings. We are within the threshold for a general permit.

Mr. Astorino: Ok.

Comment #8: Sheet 3 indicates that the Home Owner's Association (HOA) will own the private road; Applicant to clarify that it is understood the property lines run to the center of the private road.

Dave Higgins: We do have the property lines running down the center. I think the confusion is that we indicated a HOA area. I think if we insert the word easement into that, it is an easement area. It does run to the center of the road.

Mr. Bollenbach: Correct.

Comment #9: The declaration information for the Ridgeline Notes, Agricultural Notes, Affordable Housing, Private Road, Drainage Maintenance, Home Owner's Association, and Open Space Notes will need to be shown on the drawing. All Open Space will be recorded at this time.

Dave Higgins: Yes.

Comment #10: A legal description and declaration for the dedication strip to the Town for highway purposes will need to be submitted.

Dave Higgins: Yes.

Comment #11: Surveyor to certify that iron rods have been set at all property corners.

Dave Higgins: Will do.

Comment #12: Payment of Performance Bond and Landscaping Bond.

Dave Higgins: I am not sure what kind of Performance Bond we would have.

Mr. Astorino: That comment is just a place keeper.

Laura Barca: The Performance Bond is for Section 2.

Dave Higgins: Ok.

Comment #13: Payment of Inspection Fees.

Dave Higgins: Yes. That would be for Section 2.

Comment #14: Payment of recreation fees for the number of lots created in Section 1.

Dave Higgins: I assume that would be for 2 lots.

Mr. Bollenbach: Yes.

Comment #15: Payment of all fees.

Dave Higgins: Yes.

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

Mr. McConnell: I'm a little confused. Is the road not going to be owned by the HOA? Would the driveway of the HOA have an easement for the area encompassing the road?

Dave Higgins: That is correct.

Mr. Astorino: The individual lots would "own" the road.

Mr. McConnell: The way this comment was written is incorrect.

Mr. Bollenbach: There have been several renditions. It went from a Town road to an HOA road then to a Private road that is to be maintained by the HOA.

Ms. Little: Could I ask how that would be enforced?

Mr. Astorino: There would be a maintenance agreement.

Mr. Bollenbach: There would be a maintenance agreement. In the event that it is not properly maintained to the specifications of the approval, the Town reserves the right to contract it out and bill the homeowners.

Mr. Astorino: Ok. I think we could set them for a public hearing.

Dave Higgins: We request to waive the public hearing. We have done it with the other applications that we had on this project.

Mr. Astorino: I don't see a problem with that. How does the Board feel?

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

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

Mr. McConnell makes a motion on the Norma Jean Fusco Subdivision application, granting "Amended" Preliminary Approval for filing a 12-Lot Cluster subdivision in Sections, situated on tax parcel S 18 B 1 L 31.2; parcel located on the southern side of Taylor Road 900± feet east of the intersection of Taylor Road and Jessup Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York.

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

Mr. Kennedy makes a motion on the Norma Jean Fusco Subdivision, granting Final Approval for filing a 12-Lot Cluster subdivision in Sections, Section I to consist of a proposed 3-Lot Cluster subdivision, situated on tax parcel S 18 B 1 L 31.2; parcel located on the southern side of Taylor Road 900± feet east of the intersection of Taylor Road and Jessup Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. Final Approval for Section I subject to the following conditions:

1. Sheet 1, Note 14 revise, "No lot is to be further subdivided." To Planning Board Attorney's specifications.
2. Applicant to clarify the expiration date of the USACE wetland permit and if this permit is relevant any more.
3. Sheet 3 indicates that the Home Owner's Association (HOA) will own the private road; Applicant to clarify that it is understood the property lines run to the center of the private road.
4. The declaration information for the Ridgeline Notes, Agricultural Notes, Affordable Housing, Private Road, Drainage Maintenance, Home Owner's Association, and Open Space Notes will need to be shown on the drawing. All Open Space will be recorded at this time.
5. A legal description and declaration for the dedication strip to the Town for highway purposes will need to be submitted.
6. Surveyor to certify that iron rods have been set at all property corners.
7. Payment of Performance Bond and Landscaping Bond upon Section #2 Final Approval.
8. Payment of Inspection Fees.
9. Payment of recreation fees for the number of lots created in Section 1.
10. Payment of all fees.

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

Dave Higgins: Thank you.

Dan Doyle / The Oasis At Warwick

Application for Site Plan Approval and Special Use Permit for the use and construction of a Disc Golf Course, Pro-Shop, and Farm Stand, situated on tax parcel S 17 B 1 L 37.2; project located on the western side of Union Corners Road adjacent to the Town Park (10 Fence Road), in the RU zone of the Town of Warwick.

Representing the applicant: Karen Emmerich from Lehman & Getz Engineering. Dan Doyle, Applicant.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 07/17/13 handle wetlands on property accordingly
4. Architectural Review Board comments: 07/17/13 no comments at this time
5. OC Planning Department: pending
6. OCDPW: 07/12/13 comment letter received
7. Applicant appears to be requesting a waiver to show the topographic contours on the plan; Applicant to clarify.
8. The details (e.g., flows, number of bedrooms, etc.) of the “approved SSDS” should be shown on the plan set.
9. Applicant must show all wells and septic systems within 200-ft of the proposed systems.
10. The short EAF states that a permit or approval from another governmental agency is required; Applicant to clarify which one.
11. Applicant to clarify the maintenance requirements of the disc golf course, including any pesticide use.
12. Applicant to clarify if tree removal is necessary to install the disc golf course.
13. Plans show that the area for the proposed disc golf is within the check area of a NYSDEC wetland; Applicant to clarify location of wetland with relation to the proposed project.
14. Plans show that the area for the proposed disc golf is in the vicinity of a Federal wetland area; Applicant to clarify location of wetland with relation to the proposed project.
15. Please provide the FEMA floodplain mapping showing the project site and 100-ft beyond the property boundaries.
16. The Notice of Ground Disturbance form should be submitted; Applicant to clarify if area of OCDPW entrance is only area of proposed disturbance.
17. The proposed area of disturbance should be shown on the plan.
18. The number of required parking spaces for all uses on the property should be calculated and shown on the drawings.
19. There should be a detail included showing the cross section of the parking spaces and overflow parking spaces.
20. The proposed sign must be shown on the drawings or add a note to the plan stating that the sign will be in compliance with the Town Code.
21. The limits of the clearing necessary to maintain the sight distance must be shown.
22. Coordination with Orange and Rockland would be required because there is proposed activity within the easement area.
23. The limits of the Orange and Rockland easement must be shown on the plan.
24. The soil tests must be witnessed by the Planning Board Engineer.
25. The 9-1-1 address must be included on Sheet 1.
26. The shared portion of the driveway must be paved.

27. The driveway width will need to be determined for the proposed use.
28. Applicant to state on plans that lots will be in conformance with §164-43.4 (lighting) of the Town Code.
29. 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.”
30. A detail for all items proposed should be included (e.g., tee area markers, basket, etc.).
31. Surveyor to certify that iron rods have been set at all property corners.
32. The common driveway agreement has been submitted for Planning Board attorney review.
33. The biodiversity overlay district must be added to Sheet 1, Note 9.
34. The declaration for the agricultural notes must be added to the plans.
35. Payment of all fees.

The following comment submitted by the Conservation Board, dated 7/17/13:

Dan Doyle / The Oasis At Warwick – The CB notes this property appears to contain significant wetlands and should be handled accordingly.

The following comment submitted by the ARB:

Dan Doyle / The Oasis At Warwick – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The applicant has submitted a short EAF. It is an Unlisted Action. The OCDPW is the only involved agency. There is no need to do a coordinated review. They would be doing their own SEQR. The Planning Board could go ahead and declare itself Lead agency.

Mr. Showalter makes a motion for Lead Agency.

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

617.6

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

Name of Action: Oasis Disk Golf Course, Pro Shop & Farm Stand

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan/Special Use Permit application by Dan Doyle for a ± 47 acre parcel of land located at Union Corners Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 6/19/13 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, sent to the owners of farm operations within 500 feet of the site and then considered by the Planning Board, and

Whereas, after examining the EAF, the Planning Board has determined that there are other involved and/or federal agencies on this matter.

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

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

Comment #2: Applicant to discuss project.

Karen Emmerich: We have a 47-acre parcel located on Union Corners Road. Dan Doyle currently lives on the property. He has set up a Disc Golf Course on the site. He would like to utilize an existing garage for a Pro-Shop and for a 400 square-foot Farm Stand for produce.

Comment #3: Conservation Board comments: 07/17/13 handle wetlands on property accordingly

Comment #4: Architectural Review Board comments: 07/17/13 no comments at this time

Comment #5: OC Planning Department: pending

Comment #6: OCDPW: 07/12/13 comment letter received

Mr. Astorino: We received that letter. Did you receive that?

Karen Emmerich: Yes.

Comment #7: Applicant appears to be requesting a waiver to show the topographic contours on the plan; Applicant to clarify.

Karen Emmerich: We are not changing anything on the site. Nothing is going to be constructed. Dan, could you explain the operation?

Dan Doyle: Basically with the disc golf course there would be selective mowing. It is not involving moving any of the earth. I am not building any mounds. It is not like a full golf course where you put in sand traps and relocating all sorts of land.

Mr. Astorino: With the terrain that you have there, you would put your baskets on it. That is pretty much it.

Dan Doyle: Right.

Mr. McConnell: Would nothing change on it like drainage, etc...?

Dan Doyle: No. It is selective mowing, pruning of trees, and trimming of trees. It is selective mowing and manicuring. That is all it is.

Mr. Astorino: I don't know if it is a waiver, but we don't need to show Topo.

Comment #8: The details (e.g., flows, number of bedrooms, etc.) of the "approved SSDS" should be shown on the plan set.

Karen Emmerich: Yes. We will show that on the plans and put the details on it.

Comment #9: Applicant must show all wells and septic systems within 200-ft of the proposed systems.

Karen Emmerich: Yes. We have wells on the site. I don't think there is anything else.

Comment #10: The short EAF states that a permit or approval from another governmental agency is required; Applicant to clarify which one.

Karen Emmerich: That would be OCDPW.

Comment #11: Applicant to clarify the maintenance requirements of the disc golf course, including any pesticide use.

Dan Doyle: There would be no pesticides.

Comment #12: Applicant to clarify if tree removal is necessary to install the disc golf course.

Mr. Astorino: There would be none.

Comment #13: Plans show that the area for the proposed disc golf is within the check area of a NYSDEC wetland; Applicant to clarify location of wetland with relation to the proposed project.

Karen Emmerich: We could show the wetland based upon the Federal wetland map. I don't know if you would need full wetland delineation.

Mr. Astorino: Laura, what are you looking for?

Mr. Bollenbach: There is no construction proposed.

Mr. McConnell: The only thing I would question is that this gentleman had said it would be an improvement to a disc golf course that has trees. Does the planting of trees come within our purview with regard to change of drainage and so forth? Does it have any impact on when we say don't bother with that?

Mr. Astorino: Are you planting trees?

Dan Doyle: There is no need to. It didn't occur to me.

Mr. McConnell: John, that question was really for you. I expect you might want to plant trees. Any homeowner might want to plant trees.

Mr. Bollenbach: There is no construction proposed except for the septic system. That would be kept clear. You don't want trees growing over your septic.

Comment #14: Plans show that the area for the proposed disc golf is in the vicinity of a Federal wetland area; Applicant to clarify location of wetland with relation to the proposed project.

Karen Emmerich: Do you want me to show on the plan the Federal wetland map?

Laura Barca: Yes.

Comment #15: Please provide the FEMA floodplain mapping showing the project site and 100-ft beyond the property boundaries.

Karen Emmerich: Yes.

Comment #16: The Notice of Ground Disturbance form should be submitted; Applicant to clarify if area of OCDPW entrance is only area of proposed disturbance.

Karen Emmerich: Yes. That is the only area that we propose to be disturbed.

Mr. Astorino: According to that, you would just be doing some grading and widening. Is that correct?

Karen Emmerich: Yes.

Comment #17: The proposed area of disturbance should be shown on the plan.

Karen Emmerich: Will do.

Comment #18: The number of required parking spaces for all uses on the property should be calculated and shown on the drawings.

Karen Emmerich: We weren't sure about that. It doesn't quite fall into a golf course. A recreational area has tremendous requirements for parking. We show on site the ability to park 15 cars on the site as it is. There is the opportunity to use the paddock area for any overflow parking. It is very leveled. It is something we could utilize if it was needed.

Mr. Astorino: So, there is no calculations per say.

Mr. Bollenbach: Just indicate on the plan parking provided for 15 spaces with overflow in the paddock area.

Karen Emmerich: Ok.

Mr. Bollenbach: Look at some other similar type uses. It would be for the Board to make the decision on whether it would seem adequate or not. If not, we would put these provisions in for the Building Department in the event that there is a problem.

Mr. Astorino: We will look into that.

Karen Emmerich: We have plenty of room.

Mr. Astorino: I understand that. My point is if the Code requires it for this use, then it would be required. We will look into that.

Karen Emmerich: Ok.

Comment #19: There should be a detail included showing the cross section of the parking spaces and overflow parking spaces.

Mr. Astorino: We just discussed that.

Comment #20: The proposed sign must be shown on the drawings or add a note to the plan stating that the sign will be in compliance with the Town Code.

Karen Emmerich: Ok.

Comment #21: The limits of the clearing necessary to maintain the sight distance must be shown.

Karen Emmerich: Ok.

Comment #22: Coordination with Orange and Rockland would be required because there is proposed activity within the easement area.

Karen Emmerich: We are not really disturbing anything.

Mr. Astorino: What O&R areas are we talking about?

Laura Barca: I think one of the holes is shown in their easement area.

Dan Doyle: Number 11 shows it.

Mr. Astorino: Is that underground O&R easement utility.

Dan Doyle: No. All I would be doing there is mowing. If that would be a problem, then I wouldn't put it there.

Mr. Astorino: I don't see how that would be an issue. You could mow under a power line.

Laura Barca: I didn't know if it was over or under.

Mr. Astorino: That doesn't really come into play.

Comment #23: The limits of the Orange and Rockland easement must be shown on the plan.

Mr. Astorino: We just took care of that.

Comment #24: The soil tests must be witnessed by the Planning Board Engineer.

Karen Emmerich: The system that we show was approved already. That was done last year.

Laura Barca: That was done as a 3-Bedroom not a 6-bedroom.

Karen Emmerich: What is up with that? Why did that happen?

Laura Barca: I don't know.

Dan Doyle: Wasn't it approved for 6-bedrooms?

Karen Emmerich: We designed for 6-bedrooms. The soil tests were designed for 6-bedrooms.

Laura Barca: It wasn't me. I didn't do it.

Mr. Astorino: Do we have the documentation?

Mr. Bollenbach: Just verify it.

Laura Barca: I did. The note says that it was approved for 3-bedrooms not for 6-bedrooms.

Mr. Astorino: Does the documentation state that it supports 6-bedrooms?

Laura Barca: I don't have that information yet.

Mr. Astorino: Let us get that information.

Karen Emmerich: The Building Department has that.

Laura Barca: The Building Department does. But, could I review a septic that hasn't been submitted?

Mr. Astorino: You will have to get that. It doesn't make sense to do it again if it was done last year. We will have to take care of that.

Comment #25: The 9-1-1 address must be included on Sheet 1.

Karen Emmerich: Do you want us to call that out separately?

Mr. Bollenbach: You have several dwellings/buildings on the property. They would need to have separate 911 numbers. You will need to contact the Building Department.

Karen Emmerich: Ok.

Dan Doyle: We have that already.

Mr. Bollenbach: You will need to verify that to make sure they are legitimate 911 numbers.

Mr. Astorino: You will need to check with the Building Department on that.

Karen Emmerich: Ok.

Comment #26: The shared portion of the driveway must be paved.

Karen Emmerich: Could the Board consider a waiver of that? We do have to pave the first 50 feet. It is a fairly leveled driveway that goes into the site.

Mr. Bollenbach: Was it previously paved for a portion of it?

Dan Doyle: Majority of the driveway was already paved. The portion that isn't paved is from the road just past the point where there is a fork where the neighbor to the right has his house that goes back. The reason why I was thinking that maybe you would be willing to waive it is because that area of the driveway goes right smack through the middle of the wetland area. I would think that Item #4 would be better than paving.

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

Mr. Astorino: I will go out and take a look at it.

Comment #27: The driveway width will need to be determined for the proposed use.

Mr. Astorino: How wide is it now?

Dan Doyle: The Item 4 of the area of the driveway is somewhere around 15 feet and 18 feet.

Karen Emmerich: We would have to make it wider.

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

Comment #28: Applicant to state on plans that lots will be in conformance with §164-43.4 (lighting) of the Town Code.

Karen Emmerich: We are proposing no lighting.

Comment #29: 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."

Karen Emmerich: Ok.

Comment #30: A detail for all items proposed should be included (e.g., tee area markers, basket, etc.).

Karen Emmerich: Ok.

Comment #31: Surveyor to certify that iron rods have been set at all property corners.

Karen Emmerich: Ok.

Comment #32: The common driveway agreement has been submitted for Planning Board attorney review.

Karen Emmerich: Ok.

Comment #33: The biodiversity overlay district must be added to Sheet 1, Note 9.

Karen Emmerich: Ok.

Comment #34: The declaration for the agricultural notes must be added to the plans.

Karen Emmerich: Ok.

Comment #35: Payment of all fees.

Karen Emmerich: Ok.

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

Laura Barca: Ben, I just want to clarify Comment #29. It would be correct to say that no construction is proposed here because there are existing uses and residential uses that are already happening. Proposed is really not the right word. It is kind of already there.

Mr. Astorino: Ok. That is fine. But, it is not being used at this point.

Laura Barca: Right.

Mr. Astorino: That is a good idea. We could revise that. Are there any further comments?

Karen Emmerich: We ask if the Board would set us for a public hearing.

Mr. Astorino: I don't see why not.

Mr. McConnell makes a motion to set the Dan Doyle / The Oasis At Warwick for a public hearing at the next available agenda.

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

Karen Emmerich: Thank you.

Dan Doyle: Thank you.

Other Considerations:

1. Planning Board to discuss extending the Extensions & Re-Approvals for another year to 1/1/15.

Mr. Astorino: That would be a letter to the Town Board. We discussed that at the Work Session. This would be for the applicants that are not ready yet to complete their approvals. Is the Board in favor of that?

Mr. Kennedy: Yes.

Mr. McConnell: Yes.

Mr. Showalter: Yes.

Mr. Astorino: Ok. We will get a letter out to the Town Board.

2. **HOMARC, LLC.** – Planning to discuss adopting the Final Scoping Document.

Mr. Astorino: We spoke about that at the Work Session. We had a public comment period that ended on 6/28/13. I believe we just received one comment.

Mr. Fink: Yes. We received a comment from the U.S. Fish & Wildlife Service. There were comments that were brought up about some engineering concerns. I put those comments into the Final Scoping Document. The Board should have received 2 files in an email. One of them was a redline version that showed all of the changes that had been made.

Mr. Astorino: Yes.

Mr. Fink: Connie, did you send this to Dave Griggs?

Connie Sardo: No. I have not sent this one to Dave Griggs.

Mr. Fink: Ok.

Connie Sardo: I just sent it to the Board first.

Mr. Fink: Ok. We will have to file it with the applicant.

Connie Sardo: Ok. I will do that.

Mr. Kennedy makes a motion to adopt the HOMARC, LLC., Final Scoping Document.

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

3. Planning Board Minutes of 6/19/13 for Planning Board Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 6/19/13.

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

4. **Lands of Kirk Rother** – Letter from Kirk Rother, P.E., dated 6/25/13 addressed to the Planning Board in regards to the Rother Subdivision – requesting **5th Re-Approval** of Final Approval of a proposed 2-Lot Cluster subdivision, situated on tax parcel SBL # 42-1-110.4; parcel located on the western side of C.R. 1 1885 feet north of Waterbury Road, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 7/16/08. *The Applicant has stated that they are near satisfying the conditions of the approval. All that remains is the finalization of the legal documents associated with the open space and common driveway. They anticipate to have those documents complete within a month.* The 5th Re-Approval of Final Approval becomes effective on 7/16/13; subject to the conditions of final approval granted on 7/16/08.

Mr. McConnell makes a motion the Lands of Kirk Rother application, granting **5th Re-Approval** of Final Approval for a proposed 2-Lot Cluster subdivision, situated on tax parcel SBL # 42-1-110.4; parcel located on the western side of C.R. 1, 1885 feet north of Waterbury 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, 7/16/08. (See attached).

The 5th Re-Approval of Final Approval becomes effective on 7/16/13, subject to the conditions of final approval granted on 7/16/08.

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

5. **Cedar Ridge Subdivision** – Letter from Kirk Rother, P.E., dated 6/25/13 addressed to the Planning Board in regards to the Cedar Ridge subdivision – requesting **5th Re-Approval** of Final Approval of a proposed 36-Lot Cluster subdivision, situated on tax parcel SBL # 7-2-51.2; parcel located along the south side of Wheeler Road approximately 1500 feet west of intersection with C.R. 41, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 7/16/08. The 5th Re-Approval of Final Approval becomes effective on, 7/16/13, subject to the conditions of final approval granted on 7/16/08.

Connie Sardo: I didn't state in there their reason why. They are requesting the 5th Re-Approval due to the economy.

Mr. Astorino: Ok.

Mr. Kennedy makes a motion on the Cedar Ridge Subdivision, granting **5th Re-Approval** of Final Approval of a proposed 36-Lot cluster subdivision, situated on tax parcel S 7 B 2 L 51.2; parcel located along the south side of Wheeler Road approximately 1500 feet west of intersection with C.R. 41, 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, 7/16/08 (See attached).

The 5th Re-Approval of Final Approval becomes effective on 7/16/13, subject to the conditions of final approval granted on 7/16/08.

Seconded by Mr. Showalter. Motion carried; 5-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. Showalter makes a motion to adjourn the July 17, 2013 Planning Board meeting.

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