

TOWN OF WARWICK PLANNING BOARD

July 20, 2016

Members present: Chairman, Benjamin Astorino
Roger Showalter, Vice-Chairman
Dennis McConnell, Bo Kennedy,
John MacDonald, Alternate
Laura Barca, HDR Engineering
John Bollenbach, Planning Board Attorney
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, July 20, 2016 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

Review of Submitted Maps:

Roven & Specht Lot Line Change

Application for Sketch Plat Review of a proposed **3-Lot** Lot Line Change, situated on tax parcels S 16 B 1 L 30, 49 & 50; parcels located on the western side of Hedges Road 2,200 feet north of Mountainside Road, in the MT/CO zones of the Town of Warwick. Previously discussed at the 6/15/16 Planning Board Meeting.

Representing the applicant: Keith Woodruff, Engineering Properties.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – pending comments
4. Architectural Review Board – pending comments
5. OC Planning Department – initial response dated 06/20/16; 07/06/16 advisory comments to make flag portion of the 16-1-49 wider
6. Applicant to modify existing note on 16-1-49 of “potential house site” to “potential house site subject to obtaining building department permits.”
7. Applicant to clarify how sight distance will be maintained in the future (e.g., site distance easements).
8. §137 Appendix F states for a speed limit of 30mph, a minimum sight distance of 300-ft is required. §A168-17 states that a sight distance of no less than 250-ft is required. Applicant is providing 300-ft in one direction and 225-ft in the opposite direction with proposed sight distance enhancements. Applicant to justify why adequate site distance can not be provided.
9. In no case shall the flag lot width be less than 50-ft at any point, §137-21.K(2)(a)[2]. Requesting waiver to 15-ft.
10. The Average Lot Width Calculation Sketch averaged the lot width taken at 76.4-ft intervals (providing 10 intervals across the property). It appears that there is one more interval 76.4-ft from the 465.06-ft distance that was not included in the calculation. Applicant to clarify.

11. The depth of the strip from the roadway to the front yard line shall not be less than 200-ft nor greater than 300-ft, §137-21.K(2)(a)[2]. Requesting waiver to approx. 1,275-ft
12. Fire Code of NYS, Section 511.2.1 requires that driveways provide a minimum of 12-ft unobstructed width and a minimum of 13-ft 6-in. in height. Applicant to clarify. Applicant to add a note to the plan.
13. Fire Code of NYS, Section 511.2.2 requires a turnaround suitable for use by fire apparatus if the driveway is longer than 500-ft. Applicant to clarify. Applicant to add a note to the plan.
14. Applicant to provide truck turning diagram to show that a 46-ft long and 8-ft wide fire truck can traverse the driveway.
15. The Ridgeline Overlay Notes and Common Driveway Use and Maintenance Notes must be added to the plan.
16. Applicant to submit descriptions for the tongue parcel (Roven to Specht), pole of flag parcel (Roven to Specht), new tax lot 16-1-49, new tax lot 16-1-50.
17. The declaration information for the Agricultural Notes, Ridgeline Overlay Notes, Common Driveway Use and Maintenance Notes, and sight distance easements must be added to the plans.
18. Surveyor to certify that iron rods have been set at all property corners.
19. Payment of all fees.

The following comment submitted by the Conservation Board:

Roven & Specht Lot Line Change – None submitted.

The following comment submitted by the ARB:

Roven & Specht Lot Line Change – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Connie Sardo: As per Mr. Fink, he told me that this application is a Type 2 Action. It meets all of the thresholds under SEQRA. No other SEQRA review is necessary. Mr. Fink will prepare a Type 2 Action at the next available meeting when the application is back before the Board.

Mr. Astorino: Ok. The only new comment we have here is Comment #14: Applicant to provide truck turning diagram to show that a 46-ft long and 8-ft wide fire truck can traverse the driveway.

Keith Woodruff: Is that just traversing or turning around?

Mr. Astorino: It is turning around. It is to get from Point A to Point B and getting back out again.

Laura Barca: I believe there will be notes on here because of the uniqueness of the project. For this application, they would have to show that it could get to the property. When the property is developed at some point in the future there are notes on the plan that says it would have to be able to turnaround and exit.

Mr. Astorino: We need to see that. Is that correct?

Laura Barca: Yes.

Keith Woodruff: Ok.

Mr. MacDonald: Regarding the 46-ft, where did you get that from?

Laura Barca: I got that from the Building Inspector who is the Fire Code Official for the Town of Warwick.

Mr. MacDonald: Is that for Warwick's rig the 46-ft?

Mr. Astorino: Yes.

Laura Barca: Yes.

Mr. MacDonald: You should find out the size of Goshen's rig. They come out for mutual aid often. Their rig is bigger.

Mr. Astorino: How much bigger?

Mr. MacDonald: It is about 5 to 6 feet bigger.

Mr. Astorino: Do you want to do 50 feet?

Keith Woodruff: Do you know what kind of rig it is? If it is an overlap on the rear axle, it would not make a difference. If it is the wheel base, then it would change.

Mr. MacDonald: I never got the actual numbers. I have put calls out to get the information.

Mr. Astorino: John, if you can get that information, provide that to Laura.

Mr. Showalter: Their wheel base is a little longer than ours.

Mr. MacDonald: Yes. I am sorry that I don't have that information yet. They haven't got back to me yet.

Laura Barca: John, either you can give me the information or who I could contact to get the information, then I could provide that to the applicant.

Mr. MacDonald: Ok.

Mr. Showalter: Ben, I think they should make some kind of an L up there. That is what you need. John brought up a point. I think it is the tankers that are more difficult to maneuver than the ladder truck.

Mr. MacDonald: Yes. But they are shorter.

Mr. Showalter: They are a little bit shorter. But the Village of Florida's tanker doesn't turn very well. I could tell you that from driving it.

Mr. Astorino: You will provide us with the information that we need. Does the Board or Professionals have any other questions or comments? These are all the same comments from the last time. We will list Comment #2 through Comment #19 for the record. We could set the Roven/Specht application for a public hearing at the next available agenda.

Mr. Showalter makes a motion to set the Roven/Specht Lot Line Change application for a Final Public Hearing at the next available agenda.

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

Keith Woodruff: Thank you.

Comment #2: Applicant to discuss project.

Comment #3: Conservation Board – pending comments

Comment #4: Architectural Review Board – pending comments

Comment #5: OC Planning Department – initial response dated 06/20/16; 07/06/16 advisory comments to make flag portion of the 16-1-49 wider

Comment #6: Applicant to modify existing note on 16-1-49 of “potential house site” to “potential house site subject to obtaining building department permits.”

Comment #7: Applicant to clarify how sight distance will be maintained in the future (e.g., site distance easements).

Comment #8: §137 Appendix F states for a speed limit of 30mph, a minimum sight distance of 300-ft is required. §A168-17 states that a sight distance of no less than 250-ft is required. Applicant is providing 300-ft in one direction and 225-ft in the opposite direction with proposed sight distance enhancements. Applicant to justify why adequate site distance can not be provided.

Comment #9: In no case shall the flag lot width be less than 50-ft at any point, §137-21.K(2)(a)[2]. Requesting waiver to 15-ft.

Comment #10: The Average Lot Width Calculation Sketch averaged the lot width taken at 76.4-ft intervals (providing 10 intervals across the property). It appears that there is one more interval 76.4-ft from the 465.06-ft distance that was not included in the calculation. Applicant to clarify.

Comment #11: The depth of the strip from the roadway to the front yard line shall not be less than 200-ft nor greater than 300-ft, §137-21.K(2)(a)[2]. Requesting waiver to approx. 1,275-ft

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

Comment #13: Fire Code of NYS, Section 511.2.2 requires a turnaround suitable for use by fire apparatus if the driveway is longer than 500-ft. Applicant to clarify. Applicant to add a note to the plan.

Comment #14: Applicant to provide truck turning diagram to show that a 46-ft long and 8-ft wide fire truck can traverse the driveway.

Comment #15: The Ridgeline Overlay Notes and Common Driveway Use and Maintenance Notes must be added to the plan.

Comment #16: Applicant to submit descriptions for the tongue parcel (Roven to Specht), pole of flag parcel (Roven to Specht), new tax lot 16-1-49, new tax lot 16-1-50.

Comment #17: The declaration information for the Agricultural Notes, Ridgeline Overlay Notes, Common Driveway Use and Maintenance Notes, and sight distance easements must be added to the plans.

Comment #18: Surveyor to certify that iron rods have been set at all property corners.

Comment #19: Payment of all fees.

ShopRite Warwick

Application for Site Plan Approval and Special Use Permit for the construction and use of a proposed 11,825 s.f. addition to the side of the existing ShopRite Supermarket, removal of a portion of the existing outparcel building, and modification to the existing parking layout, situated on tax parcel S 51 B 1 L 6.21; project located on the northern side of New Milford Road 318.4 feet west of Warwick Turnpike (153 State Route 94 South), in the CB zone, of the Town of Warwick. Previously discussed at the Planning Board Meeting of 4/20/16 & 5/25/16, 6/15/16.

Representing the applicant: Dan Peveraro from The Lauro Group. Anthony Mole, Attorney.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – 05/17/16 no comments
4. Architectural Review Board – joint meeting 04/20/16; comments dated May 06, 2016
5. OC Planning Department – 04/29/16 advisory comments on access, wetlands, drainage, lighting, and noise
6. The Town of Warwick Building Department violations have been satisfied.
7. Waivers may be requested from the Town Board in exchange for provisions made for the Marginal Access Road through the property.
8. The proposed lighting must comply with the current Town Code §164-43.4.
9. Applicant to confirm lighting at entrances along accessory building; 5 footcandles are required according to §164-43.4G (the table).
10. A stormwater plan must be submitted in compliance with NYSDEC regulations and Town of Warwick Stormwater Code §164-47.10.
11. Applicant to clarify if another snow stockpiling area is needed along Warwick Turnpike and/or along Rt 94.
12. Where curbs are being relocated, Applicant to consider using Green Infrastructure practices (i.e., depressed curbs, planting islands, etc.).
13. Proposed water usage calculations for all users of the water supply system must be shown on the plan. Applicant to cite source of water usage data (HDR source was 2014 NYSDEC Design Standards for Intermediate Wastewater Treatment Plants):
 - a. need to add deli, bakery, and butcher water usage to ShopRite
 - b. bagel store should be 25 gpd (fast food, per seat)
 - c. restaurant and Pizzeria should be 35 gpd (ordinary restaurant, per seat)
14. The note on Sheet C1.0 states that the existing sign along Route 94 will be replaced per the Town Code under separate application. The new signage plan must be shown within the plan set, but a building department permit is required before construction can begin.
15. The location of the Marginal Access Road, including the rights-of-way to be dedicated to the Town (or other means to allow public access to traverse the property) must be shown on the plan.
16. A detail must be added for the trash enclosure. It may be helpful to add in pedestrian door(s) so that the large doors are not left open into the vehicle traffic lane.
17. A Master Sign Plan should be submitted to show signage throughout the project site, including directional information for the Marginal Access Road.
18. The smaller store names should be shown on the Site Pylon Sign detail on Sheet MSP-1.
19. The smaller store name should be shown in color on Sheet MSP-2.
20. Applicant to clarify the need for two Hometown Pet Supply signs.

21. On Sheet MSP-1 (signage) a sign post detail, including the height of the sign must be added.
22. Applicant to clarify if there are other types of specialty parking (i.e., stork parking shop from home parking).
23. Sheet C1.1, Bulk Requirements Table, Marginal Access Road, the Proposed Column should be revised to state, "As shown within this plan set."
24. Sheet C1.1, Bulk Requirements Table, Fenestration, the Existing Column should be revised to state, "Existing" and the Proposed Column should be revised to "as shown on the approved architectural drawings."
25. Any other designated parking spaces (e.g., shop from home) must be shown on the plan, including signage that has been permanently installed.
26. There is currently landscaping shown in the land banked parking spaces. Please add a note to the plan stating that if these parking spaces are ever installed, additional landscaping will be required at another location to account for the reduction in landscaping.
27. The Building Department (the Town's Fire Marshall) has requested that a note be added to Sheet TR-1 that states: "The site plan is in conformance with the New York State Fire Code Appendix D."
28. A cost estimate for the Performance Bond and Landscaping Bond must be prepared and submitted.
29. A Performance Bond and a three-year landscaping bond are required.
30. A site inspection fee is required to be submitted.
31. The declaration information for the Aquifer and Agricultural Notes must be added to the plans.
32. Surveyor to certify that iron rods have been set at all property corners.
33. Payment of all fees.

The following comment submitted by the Conservation Board:

ShopRite Warwick – None submitted.

The following comment submitted by the ARB:

ShopRite Warwick – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: As per Mr. Fink, he had stated to me that nothing needs to be done tonight regarding SEQRA.

Mr. Astorino: These comments that we have tonight are the same that we had before. We have been through them. Just a heads up to the Board members, we did meet with the ARB this evening. We have some poster boards that you could take a look at. As far as we are concerned and the ARB, it looks like what they had asked for. They had no further comments. The only thing that they are asking for is that there is a stoned strip on the bottom. The ARB is asking for ShopRite to show it in brick. Then the ARB is to make a decision if they like it better in the brick then the stone. I like it in the stone. You guys take a look at it.

Mr. Kennedy: I like it in the stone.

Mr. Astorino: I think the stone looks good. Chris DeHaan had a question.

Mr. McConnell: Where is that on the building?

Mr. Astorino: Take a look at the poster boards.

Mr. Showalter: Laura, show him what is going to be hardy board and what is going to be the recycled barn wood.

Laura shows Mr. McConnell the ShopRite front elevation architectural drawing poster board and explains what materials are going to be used on the building.

Mr. Astorino: Those are the samples that are going to be provided to the Building Department.

Laura Barca: The reclaimed barn wood is coming from a source that is locally in Warwick.

Mr. McConnell: Ok. Looking at the front elevation drawing, the only thing that I would say is by cutting this off here on the left side of the building, you don't get the full impact of the size of the building.

Mr. Astorino: But this is the front façade.

Mr. McConnell: Right.

Mr. Astorino: You would have to put it all together. That was why I relied on Chris's expertise in the end.

Mr. McConnell: Yes.

Dan Peveraro: The Architect did provide all 4- elevation sides. The ARB did have a chance to review it.

Mr. Astorino: Yes. While we are on this subject, regarding the sign, Lewis Sign Company was here tonight. The ShopRite sign plus the 3 other signs they will size them accordingly to the Code to make them comply. The other signs fit. They showed us a diagram of the free standing sign in the front that fits the Code. There was discussion of the ShopRite sign of halo lighting. They show on here the down lighting with the goose necks. We are going to research the Code. They had brought a sample in. It was pretty neat to see. The halo lighting, Chris DeHaan had stated when you leave here take a look at Atkins Pharmacy when their sign is lit. That is halo lighting.

Mr. McConnell: It is lit from behind but not translucent.

Mr. Astorino: Exactly. But, we don't know if it fits to the description of the Code.

Mr. McConnell: Ok.

Mr. Astorino: We are checking that. If it does, then so be it. If it doesn't, then it goes back to the goose neck.

Mr. McConnell: The nice thing about these goose necks is that they imply a farm type building.

Mr. Astorino: The goose neck would stay on everything except the ShopRite.

Mr. McConnell: It would not be with fluorescent.

Mr. Astorino: No.

Mr. McConnell: Then that would not be a good example to show.

Mr. Astorino: She brought a sample in. It was very nice to see. The other issue is that Shop Rite brought in a letter about the Warwick Turnpike about the issue you raised at the Work Session.

Mr. McConnell: Ok.

Mr. Astorino: Our Engineer went out there to verify their claim today. The vegetation is there. There are tons of vegetation there now. Laura, you could explain that. You were there.

Laura Barca: I drive by there all the time. I drove by today. There is a lot of existing vegetation already there. I wouldn't recommend putting anymore in. Then you would have to take out stuff to put in. That doesn't make any sense. Actually as an Engineer, and Roger had brought up the same point, if you were to turn up Warwick Turnpike the sight distance there is marginal at best.

Mr. Showalter: Yes. They should remove some vegetation that is there now.

Laura Barca: Not only am I saying not to plant anymore vegetation, you might have to get it back a little from the road so you could see further up the hill.

Mr. Showalter: Yes. It would be safer for you customers. It needs to be cleaned up and removed.

Mr. McConnell: The thing I didn't know by sitting there looking up towards the drive-in, I know the hill over there is already vegetated. To put bushes there would be a huge mistake. But what I don't know and I want to see addressed was if you would put trees up there where the leaves didn't come any lower than 4 feet let's say. That might block the view of the building for people driving without seriously impeding the sight distance. Maybe not. I understand by putting low stuff is not an option.

Laura Barca: I am going to say that I don't think that would help. When you are there and sitting in your car and you look up the hill, the hill is higher. That 4 feet isn't going to help because you would be putting that 4 feet higher on the hill.

Mr. McConnell: Right. But the cars that I am talking about are on the hill also coming down.

Mr. Showalter: I see what Dennis point is with the trees. Dennis is trying to say looking at it through the road coming down the road the top of the building does look awful.

Mr. McConnell: You could land a 747 on there.

Mr. Showalter: You call it a landing strip for an aircraft carrier. Dennis is correct on that regarding the view. I think by putting trees in there, it will not help the line-of-sight. The line-of-sight is still going to be bad. Someone could pull out of there and get killed.

Mr. McConnell: Roger, I think you are probably right. But, I don't think you have the expertise and I don't have the expertise to make that decision. That was all I was asking for.

Mr. Astorino: I agree that what we received here from the applicant is what we had asked for. The first comment in the letter that I read stated that if we remove the existing vegetation and do anything, you are going to have serious erosion problems.

Mr. Showalter: Yes.

Mr. Astorino: That is my opinion. Laura, tell me if I am wrong.

Laura Barca: I agree with you. If you have a slope that is that steep and it is vegetated, I would not touch it.

Mr. Showalter: Maybe trim some of it back.

Mr. Astorino: I think whatever was planted there in the past is now overgrown. Laura took a picture of it with her phone. Laura, show Dennis the picture on your phone at the end of the meeting. I would trim it back a little and move on.

Mr. Showalter: Ben, I agree with you.

Mr. Showalter: Dennis, the thought that I had about the landing strip since our last meeting to remediate the landing strip, what we had done to the buildings across the street they put up a façade roof. Maybe we could look into that to blend in. Do a façade roof to blend in.

Mr. McConnell: My concern is that it is already not attractive. They are going to make it bigger.

Mr. Astorino: But not that way.

Mr. McConnell: I don't know that.

Mr. Astorino: Think about it. That side is not changing.

Mr. McConnell: I would need to go and view it myself. What I am hoping to avoid is the situation where the thing is done and we look at it and say that is not what I expected.

Mr. Astorino: Roger, as far as your point of putting up a façade, what are you going to do? Are you going to put up a 12 or 15-foot façade over it? It is not going to change anything. We have what we have. The building is existing. We discussed this and the signage. These comments are the same comments from the last time. Are there any comments you would like to touch on?

Dan Peveraro: The only question I had was on Comment #13 regarding the proposed water usage calculations.

Mr. Astorino: I will read Comment #13: Proposed water usage calculations for all users of the water supply system must be shown on the plan. Applicant to cite source of water usage data (HDR source was 2014 NYSDEC Design Standards for Intermediate Wastewater Treatment Plants):

- a. need to add deli, bakery, and butcher water usage to ShopRite
- b. bagel store should be 25 gpd (fast food, per seat)
- c. restaurant and Pizzeria should be 35 gpd (ordinary restaurant, per seat)

Laura Barca: I asked them to add the water usage to the plan. They had done that. Now I am commenting on that. It is sort of a newer comment. All of the other water usages, I was able to confirm. It didn't vary by that much. If you could let me know what you used as a source.

Dan Peveraro: Ok.

Laura Barca: We could talk about it tomorrow.

Dan Peveraro: Ok. I believe it was the same.

Mr. Astorino: You would need to put those calculations on there. Is that correct?

Laura Barca: Yes. Whether they are your numbers or my numbers, they all add up to less than 10,000.

Mr. Astorino: Ok. You meet the requirements. You are just trying to break it down.

Laura Barca: Right.

Dan Peveraro: Ok. Laura, we could talk about that.

Laura Barca: Yes.

Mr. Astorino: You could work that out. Do you have any other questions regarding these comments?

Dan Peveraro: No.

Mr. Astorino: We will list Comment #2 through Comment #33 for the record. Now the Planning Board has to make a recommendation to the Town Board.

Mr. Bollenbach: It would be a Favorable recommendation to the Town Board to grant needed waivers.

Mr. Astorino: We discussed that at the last Work Session. Nothing has changed. Before we forget, regarding the plantings we asked that plantings be put further in the back and change the grass to shrubs. They had done that. Laura, did you verify that?

Laura Barca: Yes.

Mr. McConnell: Has there been anything addressing the trees where Ted had pointed out on Warwick Turnpike below the entrance? They were not spaced according to the specs. As a result, they were short a couple of trees. Has that been addressed at all?

Mr. Astorino: I believe it was addressed at the Work Session.

Mr. Kennedy: Yes.

Mr. Astorino: He said due to the species of the trees and the spacing. Is that correct?

Mr. Kennedy: Yes.

Mr. Astorino: It was to get one more tree in there. That was my understanding.

Mr. Bollenbach: One additional comment at our Work Session was along Route 94 there might be some gaps in there. They would have to take a look at that for supplemental plantings.

Mr. Astorino: Yes. It is to break up the parking. That is going to be looked at.

Mr. McConnell: Do we have a list as to what the waivers are?

Mr. Astorino: Laura has that. I don't know if she has it this evening.

Mr. Bollenbach: We are putting that together. One item was regarding the building square footage that it is being increased by 1,000 feet beyond what is currently permitted on the site.

Mr. Astorino: That is the set off for the marginal access.

Mr. Bollenbach: Yes. That is the set off for the marginal access. A lot of the waivers are concerning the marginal access. The Code requires that it be Town owned, Town maintained certain width, dimensions, etc... That is something that the Town Board could consider to grant those waivers. The other waiver was regarding the landscaping. I believe it is now currently around 7%. The Code requires 15%. But they are improving the situation. They are proposing just under 10%. They are doing supplemental plantings.

Mr. McConnell: You can't get to 15%. Is that correct?

Dan Peveraro: We can't get to 15%.

Mr. McConnell: That is obviously not a correct answer. What would it cost you to get to 15%?

Dan Peveraro: We would have to rework the entire layout of the parking lot to conform to all of the landscaping requirements including the 15%. There are other requirements for internal islands running parallel with the stalls that we don't meet because of the existing configuration. When you take those into account that is how you would get to the 15% that is required with those islands that we can't accommodate.

Mr. McConnell: I haven't heard what it would really cost you to get to 15%. Would it cost you 15 parking spaces? Would it cost you a million dollars? Would it cost you 6-months' time? What would it cost you to get to 15%? Is that an unreasonable question?

Mr. Astorino: The bottom line is in my eyes with this project, you are looking at a pre-existing situation.

Mr. McConnell: I am leery of that explanation.

Mr. Astorino: That is my basis. Do you want to start from scratch? That is fine.

Mr. McConnell: I don't think it requires to start from scratch. I think they are taking out a building. If they did nothing but put landscaping in that space, they would probably hit the 15%.

Mr. Astorino: You are making an atrium where that building was?

Mr. McConnell: It is not starting from scratch.

Mr. Astorino: I am not saying that. What I am saying is if you want the 15% take the building out and don't put the building back and plant trees. Is that what we are looking for? The answer is no. We are looking for trees that blend in the parking area. Is that correct?

Mr. McConnell: Right.

Mr. Showalter: The Code is supposed to promote equality amongst all the applicants and citizens, etc... Dennis is asking that. I see his point. I think they should do as much as they possibly could to fit what is asked for.

Mr. Astorino: To be honest with both of you, I thought that was where we were headed. We've had this discussion. We were at the site visit. If somebody could tell me where you could get another 5%, I don't know.

Mr. McConnell: That is unfair. That is not my job. That is not my expertise. I am asking the applicant to explain to me what it would cost them to get to the 15%. I am not saying anything more than that. What I am getting is a dance. You don't have an answer. You haven't thought about it in that kind of detail.

Dan Peveraro: I don't have a dollar amount.

Mr. McConnell: It could be a dollar amount or time. I understand that all of those are costs. I am going to reserve my concurrence in a Positive recommendation. The reason being is that I don't believe that this applicant has made a good faith effort to address the questions put to it.

Mr. Astorino: That is your opinion.

Dan Peveraro: I don't think that is necessarily fair. We have reduced the number of parking spaces that we had in the main isle and replaced it with landscaping. We reduced a few stalls in this area. We replaced it with landscaping. We placed a bunch of trees and tree islands.

Mr. Kennedy: Did you have 15% before pre-existing?

Dan Peveraro: We had 7%. We are up to 9.5%.

Mr. Astorino: We have known this from day one. We discussed this at the site visit.

Mr. McConnell: I had asked these questions.

Mr. Showalter: We didn't go into great detail.

Mr. McConnell: Right.

Mr. Astorino: We did discuss that they would have to lose parking spots. They would have to make bigger islands. Then you are basically redoing the entire parking lot. That was what we were told.

Antony Mole: You have a condition that is pre-existing non-conforming. You are making it more conforming by approximately double. What your Code provides is that a waiver is not necessary in these circumstances. I know that this Board's position is that a waiver should be granted by the Town Board. We certainly respect that. Taking into consideration the Code that is not really required for a pre-existing non-conforming condition.

Laura Barca: Does your landscaping numbers include the fact that the whole corner that we were just talking about where you pull out of ShopRite to go onto Warwick Turnpike as you look up that is all vegetated?

Dan Peveraro: This area is not internal parking area.

Laura Barca: Oh. So that cannot count towards your 15%.

Dan Peveraro: Correct. We had done an analysis on an aerial of the Pricechopper using the same methodology that we are using on our side to get to the 9.5%. They were less than that. I have said it a couple of times. I don't have the numbers right now.

Mr. Astorino: Here's the deal. It was at 7%. Now you have almost 10%. The lighting meets the requirements. Is that correct?

Mr. Bollenbach: Yes. It does.

Mr. Astorino: They are bringing the poles down. The Town Board will take care of the marginal access.

Mr. McConnell: Did we resolve the issue about the brightness that we talked about.

Mr. Astorino: Yes. That has been resolved.

Mr. McConnell: Ok.

Mr. Showalter: Ok.

Mr. Astorino: Personally I think the Code is a little funky. It was worked out with Laura. I discussed it at length. Ted had some issues. If that has to be changed in the Code, I am not holding up an applicant on that.

Mr. Showalter: John, were you happy with that?

Mr. Bollenbach: Yes.

Mr. Astorino: Basically where we are at is a recommendation to the Town Board. The Town Board is the one that is going to grant the waivers on this property. It won't be us. Then the applicant will come back to us. Could we have a motion to send a Positive recommendation to the Town Board for their August 11, 2016 meeting?

Mr. McConnell: John, was that it on the waivers? Had you finish describing all of the waivers that they need?

Mr. Showalter: John, what exactly is being waived? Were there 4 points or 5 points?

Mr. Bollenbach: One waiver was regarding the square footage.

Mr. Showalter: And lighting.

Mr. Bollenbach: Not lighting. The lighting complies. The other waivers are the landscaping and the marginal access.

Mr. McConnell: I think before we pass judgement on whether to make a Favorable or Positive recommendation, we ought to be clear as to what those waivers are.

Mr. Astorino: We had every one of them at the Work Session.

Anthony Mole: There was a chart. A lot of them had to do with the marginal access road.

Mr. Showalter: I know we spoke more about the marginal access road at the Work Session then we did about the landscaping. It was kind of work in progress. We had some questions on the numbers about the water and sewer. I believe Laura had addressed that.

Laura Barca: Yes. The water and sewer are fine. The Health Department has signed off on the water. The wastewater is well below their SPEDES requirement. They are operating totally fine. There are no violations. What they are doing does not require an amendment to their SPEDES.

Mr. Astorino: Are there any other questions? Could we have a motion on the Positive/Favorable recommendation to the Town Board?

Mr. Kennedy makes a motion to send a Positive/Favorable recommendation to the Town Board for all waivers needed.

Seconded by Mr. MacDonald. Motion carried: 4-Ayes and 1-Nay (Mr. McConnell)

Mr. Astorino: Ok. Could we have a motion to set the ShopRite application for a public hearing at the next available agenda?

Mr. McConnell makes a motion to set the ShopRite Warwick application for a Public Hearing at the next available agenda.

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

Mr. Astorino: Your deal is that you have to get a letter to the Town Board to get on their agenda for the August 11, 2016 meeting. This Board will send to the Town Board a recommendation letter. Once you get your stuff together, probably by the 2nd meeting in September would be the earliest. Talk to Connie. She will give you the dates.

Dan Peveraro: Ok. Thank you.

Comment #2: Applicant to discuss project.

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

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

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

Comment #6: The Town of Warwick Building Department violations have been satisfied.

Comment #7: Waivers may be requested from the Town Board in exchange for provisions made for the Marginal Access Road through the property.

Comment #8: The proposed lighting must comply with the current Town Code §164-43.4.

Comment #9: Applicant to confirm lighting at entrances along accessory building; 5 footcandles are required according to §164-43.4G (the table).

Comment #10: A stormwater plan must be submitted in compliance with NYSDEC regulations and Town of Warwick Stormwater Code §164-47.10.

Comment #11: Applicant to clarify is another snow stockpiling area is needed along Warwick Turnpike and/or along Rt 94.

Comment #12: Where curbs are being relocated, Applicant to consider using Green Infrastructure practices (i.e., depressed curbs, planting islands, etc.).

Comment #13: Proposed water usage calculations for all users of the water supply system must be shown on the plan. Applicant to cite source of water usage data (HDR source was 2014 NYSDEC Design Standards for Intermediate Wastewater Treatment Plants):

d. need to add deli, bakery, and butcher water usage to ShopRite

e. bagel store should be 25 gpd (fast food, per seat)

f. restaurant and Pizzeria should be 35 gpd (ordinary restaurant, per seat)

Comment #14: The note on Sheet C1.0 states that the existing sign along Route 94 will be replaced per the Town Code under separate application. The new signage plan must be shown within the plan set, but a building department permit is required before construction can begin.

Comment #15: The location of the Marginal Access Road, including the rights-of-way to be dedicated to the Town (or other means to allow public access to traverse the property) must be shown on the plan.

Comment #16: A detail must be added for the trash enclosure. It may be helpful to add in pedestrian door(s) so that the large doors are not left open into the vehicle traffic lane.

Comment #17: A Master Sign Plan should be submitted to show signage throughout the project site, including directional information for the Marginal Access Road.

Comment #18: The smaller store names should be shown on the Site Pylon Sign detail on Sheet MSP-1.

Comment #19: The smaller store name should be shown in color on Sheet MSP-2.

Comment #20: Applicant to clarify the need for two Hometown Pet Supply signs.

Comment #21: On Sheet MSP-1 (signage) a sign post detail, including the height of the sign must be added.

Comment #22: Applicant to clarify if there are other types of specialty parking (i.e., stork parking shop from home parking).

Comment #23: Sheet C1.1, Bulk Requirements Table, Marginal Access Road, the Proposed Column should be revised to state, "As shown within this plan set."

Comment #24: Sheet C1.1, Bulk Requirements Table, Fenestration, the Existing Column should be revised to state, "Existing" and the Proposed Column should be revised to "as shown on the approved architectural drawings."

Comment #25: Any other designated parking spaces (e.g., shop from home) must be shown on the plan, including signage that has been permanently installed.

Comment #26: There is currently landscaping shown in the land banked parking spaces. Please add a note to the plan stating that if these parking spaces are ever installed, additional landscaping will be required at another location to account for the reduction in landscaping.

Comment #27: The Building Department (the Town's Fire Marshall) has requested that a note be added to Sheet TR-1 that states: "The site plan is in conformance with the New York State Fire Code Appendix D."

Comment #28: A cost estimate for the Performance Bond and Landscaping Bond must be prepared and submitted.

Comment #29: A Performance Bond and a three-year landscaping bond are required.

Comment #30: A site inspection fee is required to be submitted.

Comment #31: The declaration information for the Aquifer and Agricultural Notes must be added to the plans.

Comment #32: Surveyor to certify that iron rods have been set at all property corners.

Comment #33: Payment of all fees.

Brian DeMarmels Subdivision

Application for Sketch Plat Review of a proposed 2-Lot (Minor) subdivision, situated on tax parcel S 42 B 1 L 6; parcel located on Foley Road (31 Foley Road), in the RU zone, of the Town of Warwick.

Representing the applicant: Karen Emmerich from Lehman & Getz Engineering.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – pending comments
4. Architectural Review Board – pending comments
5. OC Planning Department – 07/08/16 advisory comments for area variances, site design/lot site, ridgeline overlay, and wetlands
6. TW Building Department – 07/01/16 no violations
7. ZBA variances – as shown on the plan
8. Planning Board to consider scheduling a site inspection.
9. The metes and bounds must be provided for Proposed Lot 1.
10. The driveway of a flag lot must be created to provide suitable, safe, and prudent access for emergency vehicles, §137-21.K(2)(a)[1].
11. Flag lots must meet all bulk requirements for the zoning district applicable, §137-21.K(2)(a)[2]. ZBA variances are required.
12. The combined frontage of the flag lot and front lot so created must be twice the minimum frontage within that zone §137-21.K(2)(a)[2].
13. The depth of the strip from the roadway to the front yard line shall not be less than 200-ft nor greater than 300-ft, §137-21.K(2)(a)[2].
14. The driveway of a flag lot must be paved in its entirety, §137-21.K(2)(a)[3]. A note must be added to the plan for 42-1-6, Proposed Lot 2.
15. The driveway of a flag lot must not exceed 15%, §137-21.K(2)(a)[3]. A note must be added to the plan for 42-1-6, Proposed Lot 2.
16. Flag lots shall be permitted for the erection and maintenance of single-family dwellings only §137-21.K(2)(a)[4]. A note shall be added to the plan for 42-1-6, Proposed Lot 1.
17. There is no further subdivision allowed for a flag lot, §137.21.K(2)(c). A note must be added to the plan for 42-1-6, Proposed Lot 2.
18. Fire Code of NYS, Section 511.2.2 requires a turnaround suitable for use by fire apparatus if the driveway is longer than 500-ft. Applicant to clarify. Applicant to add a note to the plan.
19. Fire Code of NYS, Section 511.2.3 requires driveways in excess of 500-ft to provide turnouts that are at least 20-ft width and 50-ft long. Applicant to clarify.
20. Applicant to add a well detail to the plan.
21. The soil tests for the two proposed septic systems must be witnessed.
22. The proposed well for Lot 1 must be 50-ft from a subdivision lot (OCDOH Appendix 75-A.4(b)10).
23. Sheet 1, Note 9 must have the Biodiversity Overlay added.
24. The square rule (137-21.K(1) – Shape of Lot) must be shown for both lots. Requesting waiver for Lot 1.
25. The buildable area (137-21.A – Lots to be Buildable) must be shown for both lots.

26. Area of disturbance must be shown on the plan, including a note stating the area of disturbance.
27. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”
28. The Applicant must add 911 addresses to the plan.
29. The plans must be signed by the surveyor.
30. The declaration information must be added for Ridgeline and Agricultural Notes.
31. Payment in lieu of parkland for one lot.
32. The declaration information for the Agricultural Notes must be added to the plans.
33. Surveyor to certify that iron rods have been set at all property corners.
34. Payment of all fees.

The following comment submitted by the Conservation Board:

Brian DeMarmels Subdivision – None submitted.

The following comment submitted by the ARB:

Brian DeMarmels Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Connie Sardo: Mr. Ted Fink had stated to me that they don't meet the zoning requirements. They will need to go to the ZBA. We will address SEQRA once they come back from the ZBA.

Mr. Astorino: Thank you.

Comment #2: Applicant to discuss project.

Karen Emmerich: We have a 10-acre parcel on Foley Road that is owned by Brian DeMarmels. There is an existing house on the property. It was built in either 1946 or 1949. It is a small house that is centered right in the middle to the lot. Looking at the map, you can see that it is a long piano key shaped lot. What Brian wants to do is subdivide so that he could build a second house roughly in the middle of the property. He proposed to have one lot with 1.5 acres. The second lot would have 8.5 acres. The only way to access that second lot is through a flag lot. As you can see, we are having difficulty on meeting the requirements for that. We will be asking for a number of waivers. We realize that we will need Planning Board waivers as well as ZBA variances in order to do the subdivision. It is a large lot. He has no problem with no further subdivision. That is also the requirement of the flag lot. We can meet that one.

Mr. Astorino: This was a tenant house on the DeMarmels farm at one point. Is that correct?

Karen Emmerich: I don't know the full history of it. His Aunt lived in the house. She sold him the property.

Mr. Astorino: Ok.

Comment #3: Conservation Board – pending comments

Comment #4: Architectural Review Board – pending comments

Comment #5: OC Planning Department – 07/08/16 advisory comments for area variances, site design/lot site, ridgeline overlay, and wetlands

Comment #6: TW Building Department – 07/01/16 no violations

Comment #7: ZBA variances – as shown on the plan

Comment #8: Planning Board to consider scheduling a site inspection.

Mr. Astorino: We could do that after the ZBA meeting. What is the Board's feeling?

Mr. Showalter: Do we really need to?

Mr. Astorino: There was a question at the Work Session that Dennis had about pushing the house further back.

Mr. McConnell: Right.

Mr. Astorino: Karen brought up that it was steep in the back. It would be a quick site visit.

Mr. McConnell: Does anyone live in the house now?

Karen Emmerich: He lives in there.

Mr. McConnell: Ok.

Mr. Astorino: Do you want to do the site visit before our August 17th Planning Board Meeting. Do you want to do it at 6:30p.m.?

Karen Emmerich: Ok. I asked him to put a stake roughly where the house location would be. We could all meet at the bottom and walk up.

Mr. Astorino: We have scheduled the site visit for August 17, 2016 at 6:30p.m. *(Later at the end of the Planning Board Meeting, the Planning Board decided to do a site visit after tonight's Planning Board Meeting at 8:30p.m.)*

Comment #9: The metes and bounds must be provided for Proposed Lot 1.

Karen Emmerich: Ok. Understood.

Comment #10: The driveway of a flag lot must be created to provide suitable, safe, and prudent access for emergency vehicles, §137-21.K(2)(a)[1].

Karen Emmerich: Understood.

Comment #11: Flag lots must meet all bulk requirements for the zoning district applicable, §137-21.K(2)(a)[2]. ZBA variances are required.

Karen Emmerich: Right. We can't meet that.

Comment #12: The combined frontage of the flag lot and front lot so created must be twice the minimum frontage within that zone §137-21.K(2)(a)[2].

Karen Emmerich: We can't do that.

Laura Barca: That would require a waiver.

Karen Emmerich: We have 174 feet.

Mr. Astorino: Ok.

Comment #13: The depth of the strip from the roadway to the front yard line shall not be less than 200-ft nor greater than 300-ft, §137-21.K(2)(a)[2].

Laura Barca: That would be a waiver.

Karen Emmerich: Right. We don't meet that. We are at 464 feet. The reason for that is we need to have proper separation between the well and the proposed septic system on the property. I think now we show a location of a new well. We might go deeper with the existing well.

Mr. Astorino: Is that existing well staying with the original home?

Karen Emmerich: Yes.

Mr. McConnell: Is the house closer to the road than it should be to meet the requirement?

Karen Emmerich: It is the stem of the flag that has to be between 200 feet and 300 feet. We can't meet the 300 feet limit because we need a 200-foot minimum separation for the septic system from the well. We are very close to that. We had to extend that flag further back.

Mr. McConnell: Looking at the map, that is supposed to be between 200 and 300 feet and you have 400 something feet. Is that correct?

Karen Emmerich: It is 464 feet.

Mr. Astorino: You have to do that because of the separation.

Karen Emmerich: Right.

Mr. McConnell: John, could you explain to me what that regulation is to be between 200 and 300 feet?

Mr. Bollenbach: The idea was not to create big long piano key lots.

Mr. McConnell: Like we are going to do here.

Mr. Bollenbach: It already exists. There have been safe guards put in place. The driveways have to be paved in its entirety so that it doesn't create some type of a dust nuisance. It does meet the overall acreage. It is a large parcel. It's just the configuration of it. That is why it is subject to a Planning Board's waiver.

Mr. McConnell: Ok. Has this Board ever turned down something like this?

Mr. Astorino: I think you have to listen to the circumstances. If you have the acreage and you are not trying to put it on a postage stamp. You are trying to make something work with what you have.

Mr. Bollenbach: It is similar to the Roven & Specht lot line change application. You do have that existing lot in the back. We are just defining where the access is.

Mr. Astorino: My idea is that it has to be safe. That is number one.

Karen Emmerich: It is a perfectly good house.

Mr. Showalter: They could keep that small house and rent it to somebody. It is affordable housing.

Mr. Astorino: What is the size of the house? Is it about 600 square feet?

Karen Emmerich: I don't even think it is that big.

Mr. McConnell: That is fine. I get it. My only other question would be if you were to take out the slopes in the back that are not buildable that is why you are pushing the house back further, what is the acreage?

Karen Emmerich: I am not sure at what you are asking.

Mr. McConnell: My understanding is that you have a lot that goes like this and that. This part of the property you can't build on. If you were to subtract that from the area, what would you be left with in terms of the lot size?

Karen Emmerich: I understand what you are saying. I don't have the typography on the back of the lot.

Mr. McConnell: Ok. My point to that is yes, it is a 10-acre lot. But, it is not really a 10-acre lot. It is a 6-acre lot. Because 4 acres of it, you can't build on. I am not against this. I am just trying to get answers.

Laura Barca: We will look at that at the site inspection.

Karen Emmerich: That is the reason why you ask for the 200-foot square and the 5,000 square foot buildable area within the building envelope to help you determine based on slopes, wetlands, and all of those other things on if this lot would conform. The large lot does.

Mr. McConnell: Ok. Good.

Comment #14: The driveway of a flag lot must be paved in its entirety, §137-21.K(2)(a)[3]. A note must be added to the plan for 42-1-6, Proposed Lot 2.

Karen Emmerich: This is another waiver that Brian would request. I understand the reason for the paving so that the neighboring residences are not dealing with dust. Given the length of the driveway, it would be a very costly project. It may kill the project if he would have to pave the whole thing. If he could pave beyond the Weiss house maybe half way along Lot 1 that would help.

Mr. Astorino: That would be a good topic to talk about at the site visit.

Karen shows the map to the Planning Board and discusses the paving of the driveway half way. It will be further discussed at the site visit.

Laura Barca: Maybe at the site visit, he could put some stakes in on where he proposes to pave.

Karen Emmerich: Ok.

Mr. Astorino: We would also have to hear what residents would say at the public hearing. We will get a lot of answers from the site visit.

Comment #15: The driveway of a flag lot must not exceed 15%, §137-21.K(2)(a)[3]. A note must be added to the plan for 42-1-6, Proposed Lot 2.

Karen Emmerich: No problem.

Comment #16: Flag lots shall be permitted for the erection and maintenance of single-family dwellings only §137-21.K(2)(a)[4]. A note shall be added to the plan for 42-1-6, Proposed Lot 1.

Karen Emmerich: No Problem.

Comment #17: There is no further subdivision allowed for a flag lot, §137.21.K(2)(c). A note must be added to the plan for 42-1-6, Proposed Lot 2.

Karen Emmerich: Agreed.

Comment #18: Fire Code of NYS, Section 511.2.2 requires a turnaround suitable for use by fire apparatus if the driveway is longer than 500-ft. Applicant to clarify. Applicant to add a note to the plan.

Karen Emmerich: Right. We will come up with something. What kind of note do you want added to the plan?

Laura Barca: You might not need a note if you show it.

Karen Emmerich: Ok.

Comment #19: Fire Code of NYS, Section 511.2.3 requires driveways in excess of 500-ft to provide turnouts that are at least 20-ft width and 50-ft long. Applicant to clarify.

Karen Emmerich: Will do.

Mr. Showalter: John MacDonald brought up a good point earlier tonight on putting in an L turnaround for the trucks.

Comment #20: Applicant to add a well detail to the plan.

Karen Emmerich: Will do.

Mr. Astorino: This isn't the same as the Roven & Specht application. At the Roven & Specht property, I walked that property. That makes a difference if you can't even pull on to the lawn. That is a Rocky wooded area. If you have a grassed area with no trees, you would be able to turnaround.

Comment #21: The soil tests for the two proposed septic systems must be witnessed.

Karen Emmerich: Ok.

Comment #22: The proposed well for Lot 1 must be 50-ft from a subdivision lot (OCDOH Appendix 75-A.4(b)10).

Karen Emmerich: We will clarify that.

Laura Barca: I called the Health Department. They said that it might be similar to how we are doing waivers. The intent of that is if you are putting a well adjacent to a vacant property, they don't want you to put your well right up as close as you can get it to your property line so that your neighbor has to make concession when they decide to build.

Karen Emmerich: Right.

Laura Barca: In this particular case, you have houses on both sides. The house that is already in that corner is already there with his own well and septic. That might have to be a waiver. I don't know if waiver is the right term. It might be fine where it is.

Karen Emmerich: Ok.

Comment #23: Sheet 1, Note 9 must have the Biodiversity Overlay added.

Karen Emmerich: Ok.

Comment #24: The square rule (137-21.K(1) – Shape of Lot) must be shown for both lots. Requesting waiver for Lot 1.

Karen Emmerich: Yes. We can't show it.

Comment #25: The buildable area (137-21.A – Lots to be Buildable) must be shown for both lots.

Karen Emmerich: Same thing. That won't fit either.

Mr. Astorino: That is all on Lot 1.

Laura Barca: That would be a waiver for Lot 1.

Comment #26: Area of disturbance must be shown on the plan, including a note stating the area of disturbance.

Karen Emmerich: Will do.

Comment #27: Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained."

Karen Emmerich: Ok.

Comment #28: The Applicant must add 911 addresses to the plan.

Karen Emmerich: Will do.

Comment #29: The plans must be signed by the surveyor.

Karen Emmerich: No problem.

Comment #30: The declaration information must be added for Ridgeline and Agricultural Notes.

Karen Emmerich: Will do.

Comment #31: Payment in lieu of parkland for one lot.

Karen Emmerich: Yes.

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

Karen Emmerich: Yes.

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

Karen Emmerich: Yes.

Comment #34: Payment of all fees.

Karen Emmerich: Yes.

Connie Sardo: We need to give them a recommendation to the ZBA.

Mr. Astorino: Before the Board gives a recommendation to the ZBA, wouldn't you want to see the site?

Mr. McConnell: Yes.

Mr. Astorino: Ok. That is going to change our site visit date from August 17, 2016. When is the ZBA Meeting?

Connie Sardo: It is this coming Monday, July 25, 2016.

Mr. Astorino: Does Saturday work?

Mr. McConnell: It works for me.

Mr. Astorino: It doesn't work for me. We need to do the site visit for Monday.

Mr. Bollenbach: You could send it to the ZBA without recommendation.

Mr. Astorino: Let's do the site visit tonight. It's still light out. The Planning Board changes the site visit date from August 17, 2016 to tonight July 20, 2016.

Karen Emmerich: Ok. We could do that tonight.

Other Considerations:

1. Planning Board Minutes of 6/15/16 for PB Approval.

Mr. Showalter makes a motion to Approve the PB Minutes of 6/15/16.

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

2. Planning Board to discuss cancelling the 7/25/16 W.S. & 8/3/16 PB Meeting.

Mr. Showalter makes a motion to cancel the 7/25/16 W.S. & 8/3/16 PB Meeting.

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

3. **Douglas Tinnirello Subdivision** – Letter from Doug Tinnirello, dated 6/29/16 addressed to the Planning Board in regards to the Tinnirello Subdivision – requesting **7th 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 southeastern side of NYS Route 94 1000 feet southwest of Wawayanda Road, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 6/17/09. *The Applicant has stated that due to the depressed state of the economy he has not been able to generate funds to pay Parkland Fees, and any other fees or expenses related to this extremely costly minor 3-Lot subdivision.* The 7th Re-Approval of Final Approval becomes effective on 6/17/16; subject to the conditions of final approval granted on 6/17/09.

Mr. McConnell makes a motion on the Douglas Tinnirello application, granting “**7th 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 7th Re-Approval of Final Approval becomes effective on, 6/17/16, subject to the conditions of final approval granted on, 6/17/09

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

4. **Fusco Subdivision** – Letter from Dave Higgins, Lanc & Tully Engineering, dated 7/12/16 addressed to the Planning Board in regards to the Fusco Subdivision – requesting **3rd Re-Approval** of Amended 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 SBL # 18-1-31.2; parcel located on the southern side of Taylor Road 900± feet east of intersection of Taylor & Jessup Road, in the RU zone. Another request for 6-Month Extension on Preliminary Approval on Sectionalizing Plan for filing a 12-Lot subdivision in sections. Preliminary and Conditional Final Approval was granted on 7/17/13. *The Applicant has stated that they are looking to modify their plans and resubmit for a 2nd Amended Approval on Section I.* The 3rd Re-Approval for Section I (3-Lots) and Preliminary Approval on Sectionalizing Plan (12-Lots) becomes effective on 7/17/16.

Mr. McConnell makes a motion on the Fusco Subdivision application, granting 3rd Re-Approval of Amended Final Approval for filing a 12-Lot Cluster subdivision in Sections. Section I to consist of a proposed 3-Lot Cluster subdivision. And, 6-Month Extension on Preliminary Approval on the Sectionalizing Plan for filing a 12-Lot subdivision in Sections. Preliminary Approval on Sectionalizing Plan and Conditional Amended Final Approval on Section I (3-Lots) was granted on 7/17/13.

The 3rd Re-Approval for Section I (3-Lots) and Preliminary Approval on Sectionalizing Plan (12-Lots) become effective on 7/17/16.

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

5. **Kubinec Subdivision** – Letter from Chris Guddemi, LAN Associates, dated 7/13/16 addressed to the Planning Board in regards to the Kubinec Subdivision – requesting a 6-Month Extension on Final Approval of a proposed 4-Lot subdivision, situated on tax parcel SBL # 47-1-103.5; parcel located on the eastern side of C.R. 5 (Lakes Road) 3600 feet north of Nelson Road, in the MT zone, of the Town of Warwick. Conditional Final Approval was granted on 2/17/16. *The Applicant is requesting the extension to allow him time to address all of the conditions of final approval.* The 6-Month Extension becomes effective on 8/17/16.

Mr. McConnell makes a motion on the Kubinec Subdivision application, granting granted a 6-Month Extension on Final Approval of a proposed 4-Lot subdivision. SBL # 47-1-103.5. Conditional Final Approval was granted on 2/17/16.

The 6-Month Extension becomes effective on 8/17/16.

Seconded by Mr. Kennedy. 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. McConnell makes a motion to adjourn the July 20, 2016 Planning Board Meeting.

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