

TOWN OF WARWICK PLANNING BOARD

August 1, 2012

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, August 1, 2012 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:

Adele Grill Subdivision

Application for **2nd Amended Approval** of Final Approval of a proposed 4-Lot cluster subdivision, situated on tax parcels S 29 B 1 L 71 and L 72; parcels located on the westerly side of Distillery Road 750 feet north of Pine Island Turnpike, in the RU zone, of the Town of Warwick, County of Orange, State of New York. Original Final Approval was granted on 5/16/07. The 1st Amended Final Approval was granted on 7/15/09.

Representing the applicant: Adele Grill, Applicant.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 07/30/12 no comments at this time.
4. Architectural Review Board comments: 08/01/12 no comments at this time.
5. Provide a revised map note stating that the residential use of the existing dwelling location on 29-1-71 shall be abandoned prior to the planning board chairman signing the maps.
6. Applicant to provide 9-1-1 addressing.
7. Provide the declaration and recording information on the plan for the Ridgeline Overlay Notes, Agricultural Protection Notes, and Open Space Conservation Notes.
8. Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners and stone cairns at corners of open space, to the Town Engineer's specification.
9. No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.
10. Payment of parkland fees.
11. Payment of all fees

The following comment submitted by the Conservation Board, dated 8/1/12:

Adele Grill Subdivision – No comments on the amended approval.

The following comment submitted by the ARB:

Adele Grill Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board had previously addressed SEQR back at the time of the original approval. SEQR has been addressed.

Comment #2: Applicant to discuss project.

Mr. Astorino: We had discussed this at the Work Session, amending the map note regarding the existing small house that is located on the property. During the prior approval, it was stated that the existing small house was to be abandoned after construction was going on at the primary residence. Now due to the economy, Ms. Grill discussed with us that she would like to rent that home out before the final maps are signed. Then, it would either revert to an abandoned dwelling or go a different route by acquiring more land or losing a lot. That would have to come back before the Planning Board to be addressed in some form or manner. That was what we had discussed at the Work Session. John, did you want the Building Department to run out there to get the C of O for that home?

Mr. Bollenbach: She would have to make an application to the Building Department to be inspected for a C of O.

Mr. Astorino: Yes. Do any Board Members or Professionals have any questions?

Ms. Grill: Would I have to go to the Building Department?

Mr. Astorino: Yes. Stop at the Building Department and see Laura. She will fill out the C of O paperwork for you. Laura, could you take care of that?

Laura Barca: Ok.

Mr. Astorino: Thank you.

Comment #3: Conservation Board comments: 07/30/12 no comments at this time.

Comment #4: Architectural Review Board comments: 08/01/12 no comments at this time.

Comment #5: Provide a revised map note stating that the residential use of the existing dwelling location on 29-1-71 shall be abandoned prior to the planning board chairman signing the maps.

Mr. Astorino: That will be a change on your map. Ms. Grill, are you ok with that? This is just a general note that covers that. Before I sign these plans, that house would be abandoned or you would be back before us.

Ms. Grill: Alright. I am ok with it.

Mr. Astorino: Ok.

Comment #6: Applicant to provide 9-1-1 addressing.

Laura Barca: I figured that comment was important because I don't know if the house that had been abandoned has a house number.

Mr. Astorino: Check that out with the Building Department tomorrow.

Laura Barca: Ok.

Comment #7: Provide the declaration and recording information on the plan for the Ridgeline Overlay Notes, Agricultural Protection Notes, and Open Space Conservation Notes.

Mr. Astorino: Laura, was that a comment that came from the previous approval?

Laura Barca: The balance of these comments come from the last approval.

Mr. Astorino: These are comments that come from the previous approval.

Laura Barca: Yes.

Comment #8: Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners and stone cairns at corners of open space, to the Town Engineer's specification.

Mr. Astorino: Are you ok with that?

Ms. Grill: Yes.

Comment #9: No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.

Mr. Bollenbach: We could strike comment #9.

Mr. Astorino: That is relevant.

Mr. Bollenbach: No. It is not relevant. This was a comment that was discussed previously that was to be incorporated into the approval letters. There is no construction proposed here. The maps will not be signed. The maps are not being signed for her to occupy the dwelling. It is covered under comment #5.

Mr. Astorino: There is a map note on there. I understand where we are going here. But does everyone realize that if these plans come in whether I am here or if someone else is here that if they are signed, that house has to be abandoned.

Mr. Bollenbach: Yes.

Mr. Showalter: Comment #5 covers comment #9.

Comment #10: Payment of parkland fees.

Mr. Bollenbach: That applies. That is a condition of the subdivision's approval.

Comment #11: Payment of all fees.

Connie Sardo: Ms. Grill, do you understand comments # 10 & #11?

Ms. Grill: I assume that is to be done later on down the road.

Connie Sardo: The escrow account needs to stay active while your project is active.

Mr. Astorino: Exactly. Ms. Grill, as we had discussed at the Work Session, if you come to get these maps signed with all of these conditions, then it would be up to you whether you would want to abandon this home again or lose a lot. If you decide you want these plans signed the way they are, then you would lose that home that you now would be able to rent out.

Mr. McConnell: It is the use of that second home.

Mr. Astorino: Yes, the use of that home as a residence.

Ms. Grill: I don't know if this is going to change once I put it back into residential use.

Mr. Astorino: It will be your decision to make. The maps will not be signed until you decide to come back before us for whatever decision you decide to make.

Ms. Grill: Ok.

Mr. Astorino: Is the Board aware of that?

Mr. McConnell: Yes.

Mr. Kennedy: Yes.

Mr. Showalter: Yes.

Mr. Astorino: Do any Board Members or Professionals have any comments? John, could we waive the public hearing?

Mr. Bollenbach: Yes.

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

Seconded by Ms. Little. Motion carried; 5-Ayes.

Mr. Ruskiewicz makes a motion on the Adele Grill Subdivision, granting **2nd Amended Approval** of Final Approval of a proposed 4-Lot cluster subdivision, situated on tax parcels S 29 B 1 L 71 and L 72; parcels located on the westerly side of Distillery Road 750 feet north of Pine Island Turnpike, in the RU zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of Final Approval as amended, granted on, 7/15/09 as follows:

1. Provide a revised map note stating that the residential use of the existing dwelling location on 29-1-72 located at 15 Distillery Road shall be abandoned prior to the planning board chairman signing the maps.
2. Applicant to provide 9-1-1 addressing.
3. Provide the Declaration and Recording Information on the plan for the Ridgeline Overlay Notes, Agricultural Protection Notes, and Open Space Conservation Notes.
4. Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners and stone cairns at corners of open space, to the Town Engineer's specification.
5. Payment of Parkland Fees.
6. Payment of all fees.

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

Mr. Astorino: You will have to go to the Building Department for a C of O.

Ms. Grill: Ok. Thank you.

Ryanco, LLC. / Bruce Zivari

Application for Site Plan Approval for an Excavation Permit for the removal of debris from previous landowner Town Code Chapter 150 – excavation permit for the removal of logs and stumps, situated on tax parcel S 61 B 1 L 56.2; project located on the western side of Penaluna Road 600 feet north of Old Tuxedo Road (107 Penaluna Road), in the MT zone, of the Town of Warwick. Previously discussed at the 8/4/10 Planning Board Meeting.

Representing the applicant: Dave Griggs, ERS Consultants.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – 08/03/10 concerns that mulching on-site could lead to excess nutrients in stream that could lead to Lake; 07/30/12 ensure that HDR comments are addressed
4. Architectural Review Board – 08-01-12 no comments at this time
5. OC Planning Department – 08/13/10; no advisory comments
6. This property received a Notice of Violation from NYSDEC dated 01/26/04 for operating a solid waste facility (over 5,000 cubic yards of tree stumps for over 18 months) without a permit. There was also an observed discharge from site at that time without a SPDES permit. In 2007, NYSDEC recommended that the wood material be removed after on-site processing into wood mulch; however on-site processing is contrary to Warwick's Town Code. The information submitted does not state if the remedial plan for this site was ever finalized. It is my recommendation that the owner clarify the position with the NYSDEC and that appropriate Town Representatives are in attendance at any meetings with the NYSDEC to protect the Town's interests.
7. The Application Form states that the Tax Id is 61-1-56; documentation from the Building Department states 61-1-56.2; the correct Tax Id number must be verified and all documentation corrected.
8. Is leachate occurring at the site; where, what is possible source(s), is it travelling off-site?
9. A monitoring well is shown within the USACE wetlands; Applicant to clarify if this well is associated with this property.
10. SWPPP NOI – pending HDR Review.
11. An estimate of noise generation has not been submitted.
12. The Applicant has submitted a proposed truck traffic route.
13. The 06/24/10 letter from the Planning Board Attorney specifically stated that this Applicant would have to comply with §150 of the Town Code; this application does not address several items within this section of code (**Attachment 1**).
14. Is the application for site plan and special use or only site plan? The Application Form and the Agricultural Data Statement are not consistent.
15. Plans are required to be signed/sealed by a land surveyor.
16. The date of the topography should be referenced on the plan set because the current site conditions do not appear to be the same as the contours that are currently shown.
17. The bulk table and use group have not been identified.
18. The status of the five overlay districts is not shown on Sheet 1 of 1; this information should be added.
19. There are several difference options of seeding shown on the plan; Applicant should show the proposed seeding mixture on the plan.

20. The wetlands in the southwest corner of the site should clarify who has jurisdiction of those wetlands. Also, the stream classification should be shown on the drawing.
21. Site plan should identify who delineated the wetlands and the date of delineation.
22. No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.
23. Surveyor to certify that iron rods have been set at all property corners.
24. Payment of all fees.

The following comment submitted by the Conservation Board, dated 8/1/12:

Ryanco, LLC // Bruce Zivari - It is noted in the HDR comments, note 6, that the DEC issued a Notice of Violation for operating an un-permitted solid waste facility and “[t]here was an observed discharge from the site at that time without a SPDES permit.” Has that situation been corrected?

The following comment submitted by the ARB:

Ryanco, LLC. / Bruce Zivari – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board declared itself Lead Agency back in August 2010. There are some SEQR comments in the review comments tonight.

Comment #2: Applicant to discuss project.

Dave Griggs: This was the old Hannaburgh property that had a lot of stumps, trees, and debris that was dumped on the property. There was a cease and desist work order placed on this property. There was a Court order to remediate and clean up the place. My client purchased the property with that in mind. We are in the process to go ahead and clean up the site.

Comment #3: Conservation Board – 08/03/10 concerns that mulching on-site could lead to excess nutrients in stream that could lead to Lake; 07/30/12 ensure that HDR comments are addressed.

Mr. Astorino: We are addressing the comments now. There is no mulching on the site.

Dave Griggs: Correct.

Comment #4: Architectural Review Board – 08-01-12 no comments at this time

Comment #5: OC Planning Department – 08/13/10; no advisory comments

Comment #6: This property received a Notice of Violation from NYSDEC dated 01/26/04 for operating a solid waste facility (over 5,000 cubic yards of tree stumps for over 18 months) without a permit. There was also an observed discharge from site at that time without a SPDES permit. In 2007, NYSDEC recommended that the wood material be removed after on-site processing into wood mulch; however on-site processing is contrary to Warwick’s Town Code. The information submitted does not state if the remedial plan for this site was ever finalized. It is my recommendation that the owner

clarify the position with the NYSDEC and that appropriate Town Representatives are in attendance at any meetings with the NYSDEC to protect the Town's interests.

Laura Barca: I have a call into the DEC for items 6 through 8. They have not returned my call.

Mr. Astorino: As far as we understand, Laura, myself, the DEC Judge, Dave Griggs, and the Town's Attorney were out to the site. We had done a site visit. There was a plan being put together essentially as what we had seen at the Work Session. It was showing certain sections, material being separated and brought out to a staging area, then loaded up to be removed. That was my understanding of what was going on. We had some inspections go on out there from time to time. Has that changed?

Dave Griggs: No.

Mr. Astorino: Ok. Are these comments that we are waiting to get confirmation on from the DEC?

Laura Barca: Yes. Right.

Mr. Astorino: Ok.

Comment #7: The Application Form states that the Tax Id is 61-1-56; documentation from the Building Department states 61-1-56.2; the correct Tax Id number must be verified and all documentation corrected.

Dave Griggs: Right. It has been subdivided. It is 56.2.

Comment #8: Is leachate occurring at the site; where, what is possible source(s), is it travelling off-site?

Mr. Astorino: What was this in reference to? Was that previous?

Laura Barca: That was previous. I don't believe that is something that is happening now. That was something the DEC said years ago. I need the DEC to say that it is fine.

Mr. Astorino: Ok. We didn't see anything when we were out there.

Laura Barca: Right.

Comment #9: A monitoring well is shown within the USACE wetlands; Applicant to clarify if this well is associated with this property.

Dave Griggs: Yes. The monitoring well that is out there is with the Penaluna Landfill.

Dave Griggs: Ok.

Comment #10: SWPPP NOI – pending HDR Review.

Mr. McConnell: Do we have some documentation for that?

Dave Griggs: It's in the Town's file. It's been there for a decade.

Mr. McConnell: Maybe you ought to provide us with that.

Dave Griggs: The DEC won't give it to us. We have already asked the DEC for it. They invited us to a room to go and look at many files.

Mr. Astorino: John, I am sure there is a map in the Town that shows the remediation for the Penaluna Dump.

Mr. Bollenbach: Yes.

Comment #11: An estimate of noise generation has not been submitted.

Dave Griggs: The noise was brought up when mulching was proposed to be done on the site. That is not going to happen now. There won't be any mulching done on the site.

Mr. Astorino: We would need hours of operation.

Dave Griggs: Right. We had provided that in a letter.

Mr. Astorino: Ok. Laura, do we have that?

Laura Barca: Yes.

Comment #12: The Applicant has submitted a proposed truck traffic route.

Mr. Astorino: Laura, do we have that?

Laura Barca: I have the old one. I don't have the new one.

Dave Griggs: I have the new one. I could give that to you now.

Laura Barca: Ok.

Ms. Little: What is the new one?

Dave Griggs: It is going to go down Iron Forge Road then down to State School Road.

Ms. Little: Ok.

Mr. Astorino: That makes a lot of sense.

Ms. Little: The bridge on State School Road is there a weight limit?

Mr. Astorino: I will check into that. I assume it will be alright.

Dave Griggs: It is going to be dumpsters. We should be ok with that.

Mr. Astorino: Ok. Chris, I will check on that anyway.

Comment #13: The 06/24/10 letter from the Planning Board Attorney specifically stated that this Applicant would have to comply with §150 of the Town Code; this application does not address several items within this section of code (**Attachment 1**).

Laura Barca: I didn't attach all of them because it was 8 pages. I was conserving paper. I am sorry.

Mr. McConnell: You should have put in a little summary.

Laura Barca: Without attachment?

Mr. McConnell: No. It should have been summarized as to what the attachment said.

Laura Barca: Ok.

Mr. Bollenbach: It is Chapter 150 Excavation Permit criteria.

Mr. McConnell: Ok.

Comment #14: Is the application for site plan and special use or only site plan? The Application Form and the Agricultural Data Statement are not consistent.

Mr. Bollenbach: That is for the site plan. It is for site plan approval and you would also obtain an Excavation Permit from the Building Department.

Dave Griggs: Right. Ok.

Comment #15: Plans are required to be signed/sealed by a land surveyor.

Laura Barca: You show the metes/bounds and everything on there. There has to be some reference on there to where that information came from.

Dave Griggs: Ok.

Comment #16: The date of the topography should be referenced on the plan set because the current site conditions do not appear to be the same as the contours that are currently shown.

Dave Griggs: That is not going to be until it is done.

Laura Barca: I am not saying you have to show what is out there. What I am saying is the topography that is shown on the map should have a reference date of where it came from. It came from 2006. That was the topography at one point. That is not the topography now.

Dave Griggs: Ok.

Comment #17: The bulk table and use group have not been identified.

Dave Griggs: Do you want that on there? We have no problem putting that on there but we are just doing excavation. There is no construction proposed.

Mr. Astorino: Put it on there.

Dave Griggs: Ok.

Comment #18: The status of the five overlay districts is not shown on Sheet 1 of 1; this information should be added.

Dave Griggs: Ok.

Comment #19: There are several difference options of seeding shown on the plan; Applicant should show the proposed seeding mixture on the plan.

Dave Griggs: Ok.

Comment #20: The wetlands in the southwest corner of the site should clarify who has jurisdiction of those wetlands. Also, the stream classification should be shown on the drawing.

Dave Griggs: Ok.

Comment #21: Site plan should identify who delineated the wetlands and the date of delineation.

Dave Griggs: Ok.

Comment #22: No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.

Dave Griggs: Ok.

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

Dave Griggs: Ok.

Mr. Astorino: That is the same thing. It is metes and bounds that you want.

Laura Barca: It shows metes and bounds. But there is no Surveyor shown on the plans. This is a site plan, it would be up to the Planning Board if they want the Surveyor to certify the setting of iron pins at all property corners.

Mr. Bollenbach: It is generally done for a subdivision. It is up to the Board's discretion.

Mr. Astorino: Does the Board want the certification of iron pins set at all the property corners?

Mr. Showalter: I think it would be helpful.

Mr. Astorino: Ok.

Dave Griggs: Ok.

Comment #24: Payment of all fees.

Dave Griggs: Ok.

Connie Sardo: You were supposed to bring a check to me tonight.

Dave Griggs: I know. Here is the check.

Connie Sardo: Thank you.

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

Mr. McConnell: I have a question regarding comment #22. It states that no construction or use shall begin until the maps are signed. There is no construction being proposed at this time. Is that correct?

Mr. Bollenbach: This is the same comment that was on the last application. This was to be handled by Connie on the Approval Letters itself. It also gives applicants notice that a conditional approval is good for 180 days and so forth.

Mr. McConnell: This is suggested that construction is permitted and there is no construction being reviewed.

Mr. Astorino: I think the issue that has become here is that we have had applicant that had received conditional approvals from us and just went and started right away.

Mr. McConnell: In trying to clarify, you are only muddying the waters further.

Mr. Astorino: So, what you are going to do is what is allowed in the approval. Is that correct?

Mr. McConnell: This new comment in itself is confusing. I am just suggesting that we might want to look at that with our Attorney. Is it appropriate to have that here where it could lead someone to believe that construction is permitted after the maps are signed? It is not.

Laura Barca: It depends how you define construction. Once the plans are signed, they are going to continue with the sorting and locating of the debris.

Mr. Astorino: I guess the issue here has come up in the past. Say that we give them an approval here today. Then they neglect to either get their maps signed or get a building permit. Apparently there is a violation out there in effect that somebody is doing an addition or went out there and started an excavator and started loading up stumps when theoretically all the conditions were not met. Then it becomes a Building Department's violation. If the Board doesn't want this comment, then fine. We will let the Building Department deal with it. That was the issue here. We were having numerous applicant's receive our approval, then leave here and go out and start the work without finalizing the maps and or getting a building permit.

Mr. Bollenbach: Ben, Connie is now including that in their approval letters. Take a look at it.

Connie Sardo: Ben, I showed that to you.

Mr. Astorino: Yes. I have read that.

Laura Barca: The attempt to put this new comment was to remind the applicant every time they were here before the Planning Board that they would need final approval and a building permit, it is just a "conditional" final approval. If that is not what it accomplishes, then we will look at it again.

Mr. Astorino: We will deal with it as it comes. That is what we do. Does the Board have any other comments? Dave, would you like to be set for a public hearing?

Dave Griggs: Yes.

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

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

Dave Griggs: Thank you.

MJJ Builders 2-Lot DeKay Road Subdivision

Application for Sketch Plat Review of a proposed 2-Lot (**Minor**) subdivision, situated on tax parcel SBL # 41-1-54.1; parcel located on the eastern side of DeKay Road 581± south of Miller Lane, in the RU zone, of the Town of Warwick.

Representing the applicant: Anthony Trochiano, from Pietrzak & Pfau Engineering.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: pending
4. Architectural Review Board comments: pending
5. OC Planning Department: pending submittal
6. The recording information for the parcel deed must be submitted.
7. The Applicant will need to coordinate the driveway with Central Hudson Gas & Electric; typically the utility companies prefer no new paved areas within their easements and the portion of the driveway within the easement is required to be paved.
8. This drawing states that the adjacent property of 41-1-54.222 is owned by Hann; whereas a separate application currently before the Planning Board indicates that the owner of tax lot 41-1-54.222 is MJ Builders.
9. Any other easements or restrictions on the property must be clearly shown on the plans.
10. Site distance must be shown §137 Appendix F(2) for each proposed driveway entrance.
11. Square Rule §164-21.K(1) must be shown for each proposed lot.
12. Buildable area §164-21.A must be shown for each proposed lot.
13. Applicant to clarify if there are any additional culverts that are not shown on the maps.
14. The Soils mapping should be shown on the drawing.
15. 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.
16. Applicant must show all wells and septic systems within 300-foot and include a note stating that all have been located.
17. The current well location on Lot #1 does not appear to be 50-ft from the external subdivision boundary; Applicant to clarify.
18. Applicant to clarify if a vehicle can turn around in current driveway configuration so that vehicle does not have to back out onto a Town Road.
19. There appears to be 5 to 6-ft of fill over the septic tanks on both lots; typically only 1-ft of fill is placed over septic tanks; Applicant to clarify.
20. Limits of disturbance lines must be added to Sheet 1.
21. The Applicant must add a note stating the total amount of disturbed area.
22. Applicable notes from the Town of Warwick's General Map notes must be included on the plan set.
23. The Agricultural Notes must be added to the plan.
24. Wetland delineation to be confirmed (HDR to conduct site inspection on 08/03/12).
25. Sheet 1 should call out any existing monuments/pins.
26. The 9-1-1 address must be included on Sheet 1.

27. The soil tests must be witnessed by the Planning Board Engineer (HDR to witness soil testing on August 9th and 10th).
28. A detail must be included showing the cross section for the first 25-ft of the driveway that must be paved.
29. The proposed cross section of the balance of the driveway must be shown on the plans.
30. A stabilized construction entranceway must be shown for both access points to the Town Road.
31. The end of the driveway for Lot 2 has a 12-ft drop-off; Applicant to provide alternative design or a mechanism to protect vehicle from accidently driving off this edge.
32. A portion of this property is located with the Biodiversity Overlay District. This information should be added to the District Overlay Table shown on Sheet 1.
33. The stream separation does not appear to be shown on Sheet 2, Typical Separation Distance Requirements detail.
34. Applicant to state on plans that lots will be in conformance with §164-43.4 (lighting) of the Town Code.
35. Applicant to state on plans that lots will be in conformance with §164-43.1 (signage) of the Town Code.
36. Surveyor to certify that iron rods have been set at all property corners.
37. The declaration for the roadway dedications and agricultural notes must be added to the plans.
38. No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.
39. Payment of parkland fees.
40. Payment of all fees.

The following comment submitted by the Conservation Board, dated 8/1/12:

MJJ Builders 2-Lot DeKay Road Subdivision – Insufficient information at this time to provide useful comments.

The following comment submitted by the ARB:

MJJ Builders 2-Lot DeKay Road Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The applicant has submitted a short EAF. This is an Unlisted Action. I prepared a Resolution for Intent to be Lead Agency. Looking at the plans, the DEC might have to be an Involved Agency because there are wetlands on the property. They might not be an Involved Agency and they might not need a permit. But, there is construction proposed very close to the regulatory area of the wetland boundary. We are going to need verification from the DEC. Pietrzak & Pfau Engineering did the delineation. We have to get the DEC to sign off on that delineation. Sometimes the DEC adjusts those lines. What I recommend is that we do a coordinated review. That would put the DEC on notice. We would get some comments from them as to whether or not they agree with the wetland line and so forth. I have prepared a Resolution Establishing Intent to be Lead Agency for the Board's consideration.

Mr. McConnell makes a motion for the Intent to be Lead Agency.

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

617.6
State Environmental Quality Review (SEQR)
Resolution Establishing Intent to be Lead Agency
Unlisted Action Undergoing Coordinated Review

Name of Action: 2-Lot DeKay Road Subdivision

Whereas, the Town of Warwick Planning Board is in receipt of a Subdivision application by for a ± 14.3 acre parcel of land located at DeKay Road, Town of Warwick, Orange County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated 06/25/2012 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 500 feet of a farm operation within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) apply meaning that the applicant must file an Agricultural Data Statement, it must be forwarded to the owners of the farm operation(s) and then considered by the Planning Board; and

Whereas, after examining the EAF, the Planning Board has determined that there may be other involved and/or federal agencies on this matter including the New York State Department of Environmental Conservation.

Now Therefore Be It Resolved, that the Planning Board hereby declares its intent to be Lead Agency for the review of this action; and

Be It Further Resolved, that the Planning Board hereby authorizes its Chairman to circulate the attached lead agency coordination request letter(s) to all other involved agencies and to discharge any other SEQR responsibilities as are required by 6 NYCRR 617 in this regard; and

Be It Further Resolved, that unless an objection to the Planning Board assuming lead agency status is received within thirty (30) days of the date of mailing the EAF, the Planning Board will become lead agency for the review of this action.

Comment #2: Applicant to discuss project.

Anthony Trochiano: The property is located off DeKay Road. The property is about 14 acres in size. It is located in the RU zone. It is also located in the Bio-Diversity Conservation Overlay District. There are NYSDEC wetlands located on the property. They were delineated by our office. The application is for a proposed 2-Lot subdivision. Each lot is proposed to have a new single-family home. Those 2 new proposed homes would be served by individual wells and septic. We have done preliminary soil testing on the site. It shows good quality soil.

Mr. Astorino: Have they been witnessed yet?

Anthony Trochiano: No. They have not been witnessed yet. That is scheduled for next week.

Mr. Astorino: Ok.

Anthony Trochiano: Regarding the delineation and the verification of the wetlands, at the Work Session we discussed that we might just have HDR verify those wetlands.

Mr. Astorino: You missed that part. What we do is have Karen Schneller-McDonald go out.

Mr. Fink: Yes.

Mr. Astorino: That is something that might be more appropriate.

Mr. Fink: The DEC requires on any subdivision plan that they have to go and sign off on the surveyed boundary. Eventually, it would have to go to the DEC for their certification.

Laura Barca: We will coordinate that with Mr. Garland.

Mr. Astorino: Ok. I know we discussed at the Work Session about the driveways. I know you have not done that yet. Maybe, you could make just one cut to make it two separate driveways.

Antony Trochiano: We would have to look into that. Between the elevations of the septic systems and sight distances, I would have to verify if we could do that or not. I will do my best.

Mr. Astorino: Ok.

Comment #3: Conservation Board comments: pending

Comment #4: Architectural Review Board comments: pending

Comment #5: OC Planning Department: pending submittal

Comment #6: The recording information for the parcel deed must be submitted.

Anthony Trochiano: No problem.

Comment #7: The Applicant will need to coordinate the driveway with Central Hudson Gas & Electric; typically the utility companies prefer no new paved areas within their easements and the portion of the driveway within the easement is required to be paved.

Anthony Trochiano: We are going to move that driveway. That is not an issue.

Comment #8: This drawing states that the adjacent property of 41-1-54.222 is owned by Hann; whereas a separate application currently before the Planning Board indicates that the owner of tax lot 41-1-54.222 is MJ Builders.

Mr. Astorino: You will need to clear that up.

Anthony Trochiano: Yes. There is a portion of the property that is not owned by the applicant.

Comment #9: Any other easements or restrictions on the property must be clearly shown on the plans.

Anthony Trochiano: No problem.

Mr. Astorino: Laura, do any of these comments stand out? These comments seem to be pretty straight forward. If there is nothing that stands out, we will list these comments for the record.

Laura Barca: That is fine. I don't know if the applicant would like to go over any of these comments.

Anthony Trochiano: I don't have any issues with them.

Mr. Astorino: Do any Board Members or Professionals have any comments or want to go over any of these comments. Seeing that the Board doesn't have any problems, we will list Comments 10 through 40 for the Record. You will have to get going on these comments and coordinate things.

Connie Sardo: John, wasn't there something about the deeds that we received in the mail? We did not receive the recording information page.

Mr. Bollenbach: That should be in Comment #6. We did receive the deeds. We did not get the recording information.

Anthony Trochiano: Ok. We will get that to you. Thank you.

Comment #10: Site distance must be shown §137 Appendix F(2) for each proposed driveway entrance.

Comment #11: Square Rule §164-21.K(1) must be shown for each proposed lot.

Comment #12: Buildable area §164-21.A must be shown for each proposed lot.

Comment #13: Applicant to clarify if there are any additional culverts that are not shown on the maps.

Comment #14: The Soils mapping should be shown on the drawing.

Comment #15: 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.

Comment #16: Applicant must show all wells and septic systems within 300-lot and include a note stating that all have been located.

Comment #17: The current well location on Lot #1 does not appear to be 50-ft from the external subdivision boundary; Applicant to clarify.

Comment #18: Applicant to clarify if a vehicle can turn around in current driveway configuration so that vehicle does not have to back out onto a Town Road.

Comment #19: There appears to be 5 to 6-ft of fill over the septic tanks on both lots; typically only 1-ft of fill is placed over septic tanks; Applicant to clarify.

Comment #20: Limits of disturbance lines must be added to Sheet 1.

Comment #21: The Applicant must add a note stating the total amount of disturbed area.

Comment #22: Applicable notes from the Town of Warwick's General Map notes must be included on the plan set.

Comment #23: The Agricultural Notes must be added to the plan.

Comment #24: Wetland delineation to be confirmed (HDR to conduct site inspection on 08/03/12).

Comment #25: Sheet 1 should call out any existing monuments/pins.

Comment #26: The 9-1-1 address must be included on Sheet 1.

Comment #27: The soil tests must be witnessed by the Planning Board Engineer (HDR to witness soil testing on August 9th and 10th).

Comment #28: A detail must be included showing the cross section for the first 25-ft of the driveway that must be paved.

Comment #29: The proposed cross section of the balance of the driveway must be shown on the plans.

Comment #30: A stabilized construction entranceway must be shown for both access points to the Town Road.

Comment #31: The end of the driveway for Lot 2 has a 12-ft drop-off; Applicant to provide alternative design or a mechanism to protect vehicle from accidentally driving off this edge.

Comment #32: A portion of this property is located with the Biodiversity Overlay District. This information should be added to the District Overlay Table shown on Sheet 1.

Comment #33: The stream separation does not appear to be shown on Sheet 2, Typical Separation Distance Requirements detail.

Comment #34: Applicant to state on plans that lots will be in conformance with §164-43.4 (lighting) of the Town Code.

Comment #35: Applicant to state on plans that lots will be in conformance with §164-43.1 (signage) of the Town Code.

Comment #36: Surveyor to certify that iron rods have been set at all property corners.

Comment #37: The declaration for the roadway dedications and agricultural notes must be added to the plans.

Comment #38: No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.

Comment #39: Payment of parkland fees.

Comment #40: Payment of all fees.

MJJ Builders 3-Lot Covered Bridge Road Subdivision

Application for Sketch Plat Review of a proposed 3-Lot (**Minor**) subdivision, situated on tax parcel SBL # 41-1-54.222; parcel located on the eastern side of Covered Bridge Road north of Wilhelm Drive, in the RU zone, of the Town of Warwick.

Representing the applicant: Anthony Trochiano, Pietrzak & Pfau Engineering.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: pending
4. Architectural Review Board comments: pending
5. OC Planning Department: pending submittal
6. The recording information for the parcel deed must be submitted.
7. Any other easements or restrictions on the property must be clearly shown on the plans.
8. Site distance must be shown §137 Appendix F(2) for each proposed driveway entrance.
9. Square Rule §164-21.K(1) must be shown for each proposed lot.
10. Buildable area §164-21.A must be shown for each proposed lot.
11. The Soils mapping should be shown on the drawing.
12. 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.
13. Applicant must show all wells and septic systems within 300-lot and include a note stating that all have been located.
14. Limits of disturbance lines must be added to Sheet 1.
15. The Applicant must add a note stating the total amount of disturbed area.
16. Applicable notes from the Town of Warwick's General Map notes must be included on the plan set.
17. The Agricultural Notes must be added to the plan.
18. The NYSDEC Enviromapper shows a stream nearby, or potentially on, this property; Applicant to clarify location of stream and this subdivision.
19. Applicant to show location of subdivision on the National Wetland Inventory map.
20. Sheet 1 should call out any existing monuments/pins.
21. The proposed 25-ft roadway dedication shall be called out on Sheet 1.
22. The existing homes/structure on the other side of Covered Bridge Road must be shown.
23. There appears to be an overhead wire symbol on adjacent lot 41-1-54.221; Applicant to clarify if there are overheard wires on his tax lot that are not parallel with the road.
24. Sheet 1, General Note 1 should be modified to include the new tax lot number information or reference the recoding information of the deed.
25. Sheet 1, General Note 2 has the incorrect lot area.
26. Sheet 1, General Note 6 should be revised to state if there are wetlands or streams within 100-ft of this property.
27. The 9-1-1 address must be included on Sheet 1.
28. The soil tests must be witnessed by the Planning Board Engineer; HDR scheduled to witness soil tests on August 9th and 10th.
29. A detail must be included showing the cross section for the first 25-ft of the driveway that must be paved.
30. The proposed cross section of the balance of the driveway must be shown on the plans.

31. Applicant to clarify if a vehicle can turn around in current driveway configuration so that vehicle does not have to back out onto a Town Road.
32. A stabilized construction entranceway must be shown for both access points to the Town Road.
33. The end of the driveway for Lot 2 has a significant drop-off; Applicant to provide alternative design or a mechanism to protect vehicle from accidentally driving off this edge.
34. Applicant to confirm that there are no other roadway culverts.
35. A portion of this property is located with the Biodiversity Overlay District. This information should be added to the District Overlay Table shown on Sheet 1.
36. A habitat assessment shall be completed under the direction of the Town Planner because a portion of this property is within the Town's Biodiversity Overlay District.
37. The stream separation does not appear to be shown on Sheet 2, Typical Separation Distance Requirements detail.
38. Applicant to state on plans that lots will be in conformance with §164-43.4 (lighting) of the Town Code.
39. Applicant to state on plans that lots will be in conformance with §164-43.1 (signage) of the Town Code.
40. Surveyor to certify that iron rods have been set at all property corners.
41. The declaration for the roadway dedications and agricultural notes must be added to the plans.
42. No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.
43. Payment of parkland fees.
44. Payment of all fees.

The following comment submitted by the Conservation Board, dated 8/1/12:

MJJ Builders 3-Lot Covered Bridge Road Subdivision – Insufficient information at this time to provide useful comments.

The following comment submitted by the ARB:

MJJ Builders 3-Lot Covered Bridge Road Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The applicant has submitted a short EAF. It is an Unlisted Action. There are no other Involved Agencies. The Planning Board could go ahead and declare itself Lead Agency. On the Resolution, I left blank the acreage of the parcel. This was probably looked at during the Work Session. It wasn't clear on the subdivision plan, the EAF, and in the application. I assume that you have worked that out.

Anthony Trochiano: Looking at the map, originally this lot also included property across the street. It was all one parcel. The applicant purchased only this portion of the property. We will clarify the acreage. It will only be this portion of the property.

Mr. Fink: Ok. So, it should be 13.3± acres.

Anthony Trochiano: Yes.

Mr. Astorino: Ok. It is 13.3± acres.

Mr. McConnell makes a motion for Lead Agency.

Seconded by Mr. Showalter. 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: 3-Lot Covered Bridge Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by MJJ Builders for a ± 13.3 acre parcel of land located at Covered Bridge and DeKay Roads, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 06/25/2012 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 500 feet of a farm operation 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 with the Planning Board, forwarded to the owners of the farm operation(s) and then considered by the Planning Board, and

Whereas, after examining the EAF, the Planning Board has determined that there are no other involved and/or federal agencies on this matter.

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

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

Comment #2: Applicant to discuss project.

Anthony Trochiano: This property is located off Covered Bridge Road and DeKay Road. It is approximately 13.3 acres in size. It is located in the RU zone. It is not located in any of the Town's Overlay Districts. This project is a proposed 3-Lot subdivision. Two of the lots would gain access off Covered Bridge Road. One lot would gain access off DeKay Road.

Mr. Astorino: Are you going to take a look at the driveways on Covered Bridge Road?

Anthony Trochiano: Yes.

Mr. Astorino: See if it would be possible to have just one cut off the road.

Anthony Trochiano: We will.

Mr. Bollenbach: Take a look at DeKay Road. You have that lot right next to it, which is the prior application. Is that in the proximity to this as well?

Anthony Trochiano: No. That is further up.

Mr. Bollenbach: Ok.

Anthony Trochiano: I will take a look at the driveways.

Mr. Astorino: Ok.

Comment #3: Conservation Board comments: pending

Comment #4: Architectural Review Board comments: pending

Comment #5: OC Planning Department: pending submittal

Comment #6: The recording information for the parcel deed must be submitted.

Mr. Astorino: That needs to be submitted.

Comment #7: Any other easements or restrictions on the property must be clearly shown on the plans.

Mr. Astorino: Laura, are we in the same situation with these comments just like the previous application on getting these going?

Laura Barca: Yes.

Mr. Astorino: Do you have any comments?

Anthony Trochiano: The only thing I see in these comments are #35 and #36 which discusses the Biodiversity Overlay District. This might be because of the misunderstanding of the ownership. We are only building on this portion of the property. I understand it not to be in the Biodiversity Overlay District.

Laura Barca: Correct. It is not in the Biodiversity Overlay District.

Mr. Astorino: Ok. Do any Board Members or Professionals have any comments? We will list Comments 8 through 44 for the record. You are all set. Thank you.

Anthony Trochiano: Thank you.

Comment #8: Site distance must be shown §137 Appendix F(2) for each proposed driveway entrance.

Comment #9: Square Rule §164-21.K(1) must be shown for each proposed lot.

Comment #10: Buildable area §164-21.A must be shown for each proposed lot.

Comment #11: The Soils mapping should be shown on the drawing.

Comment #12: 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.

Comment #13: Applicant must show all wells and septic systems within 300-lot and include a note stating that all have been located.

Comment #14: Limits of disturbance lines must be added to Sheet 1.

Comment #15: The Applicant must add a note stating the total amount of disturbed area.

Comment #16: Applicable notes from the Town of Warwick's General Map notes must be included on the plan set.

Comment #17: The Agricultural Notes must be added to the plan.

Comment #18: The NYSDEC Enviromapper shows a stream nearby, or potentially on, this property; Applicant to clarify location of stream and this subdivision.

Comment #19: Applicant to show location of subdivision on the National Wetland Inventory map.

Comment #20: Sheet 1 should call out any existing monuments/pins.

Comment #21: The proposed 25-ft roadway dedication shall be called out on Sheet 1.

Comment #22: The existing homes/structure on the other side of Covered Bridge Road must be shown.

Comment #23: There appears to be an overhead wire symbol on adjacent lot 41-1-54.221; Applicant to clarify if there are overheard wires on his tax lot that are not parallel with the road.

Comment #24: Sheet 1, General Note 1 should be modified to include the new tax lot number information or reference the recoding information of the deed.

Comment #25: Sheet 1, General Note 2 has the incorrect lot area.

Comment #26: Sheet 1, General Note 6 should be revised to state if there are wetlands or streams within 100-ft of this property.

Comment #27: The 9-1-1 address must be included on Sheet 1.

Comment #28: The soil tests must be witnessed by the Planning Board Engineer; HDR scheduled to witness soil tests on August 9th and 10th.

Comment #29: A detail must be included showing the cross section for the first 25-ft of the driveway that must be paved.

Comment #30: The proposed cross section of the balance of the driveway must be shown on the plans.

Comment #31: Applicant to clarify if a vehicle can turn around in current driveway configuration so that vehicle does not have to back out onto a Town Road.

Comment #32: A stabilized construction entranceway must be shown for both access points to the Town Road.

Comment #33: The end of the driveway for Lot 2 has a significant drop-off; Applicant to provide alternative design or a mechanism to protect vehicle from accidently driving off this edge.

Comment #34: Applicant to confirm that there are no other roadway culverts.

Comment #35: A portion of this property is located with the Biodiversity Overlay District. This information should be added to the District Overlay Table shown on Sheet 1.

Comment #36: A habitat assessment shall be completed under the direction of the Town Planner because a portion of this property is within the Town's Biodiversity Overlay District.

Comment #37: The stream separation does not appear to be shown on Sheet 2, Typical Separation Distance Requirements detail.

Comment #38: Applicant to state on plans that lots will be in conformance with §164-43.4 (lighting) of the Town Code.

Comment #39: Applicant to state on plans that lots will be in conformance with §164-43.1 (signage) of the Town Code.

Comment #40: Surveyor to certify that iron rods have been set at all property corners.

Comment #41: The declaration for the roadway dedications and agricultural notes must be added to the plans.

Comment #42: No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.

Comment #43: Payment of parkland fees.

Comment #44: Payment of all fees.

Other Considerations:1. Watchtower Draft Findings Statement – Planning Board to Accept Draft Findings Statement.

Representing the applicant: Greg Povah, applicant.

Mr. Astorino: Ted and Laura, are there any comments on the Draft Findings Statement? I think all is in order.

Mr. Fink: Connie sent it out a few weeks ago. I didn't receive any comments from the Planning Board. The Findings Statement is the distillation of all the environmental documentation on impacts, mitigation measures, etc... The whole process, I think because of the Applicant's thorough response, has been one of the easiest SEQR reviews that we have ever looked at and approved. We have the Draft of the document. Everyone has seen it. If nobody has any issues with it, there is nothing new here; the document would be ready for the Board to adopt. I have prepared a Resolution for the Board to adopt the Findings Statement. If the Board adopts the Findings Statement tonight, then it would have to be filed with all of the Involved and Interested Agencies. It would also be filed at the Town Hall and placed on the Town's website. That would conclude the SEQR process. The next step would be to begin a detailed review of the site plan.

Mr. Astorino: If the Board doesn't have any comments on the Findings Statement.... you were given ample time to review the document. We would need a motion from the Board to adopt the Findings Statement.

Mr. McConnell makes a motion to Adopt the Findings Statement.

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

Town of Warwick Planning Board
Watchtower Bible and Tract Society
RESOLUTION ADOPTING SEQR FINDINGS STATEMENT

WHEREAS, the Town of Warwick Planning Board (the "Planning Board") received an application from Watchtower Bible and Tract Society of New York, Inc. (the "Applicant") for Special Use Permit and Site Plan approval for development of a campus of buildings on approximately 45 acres of a total 253-acre site located at 1 Kings Drive, Tuxedo, New York 10987-5500 (Postal address) in the Town of Warwick, Orange County, New York; parcels identified as Tax Map Section No. 85, Tax ID Numbers 85-1-2.22, 85-1-2.3, 85-1-4.1, 85-1-4.2, 85-1-5.1, 85-1-5.2, 85-1-6; and

WHEREAS, the purpose of the development is to relocate the World Headquarters of the Watchtower Bible and Tract Society of New York, Inc. from Brooklyn, NY to the site of the former International Nickel Company, which closed and has been vacant for more than two decades; and

WHEREAS, the proposal ("the Project") includes an administration offices building, services building with kitchen, laundry, storage and infirmary; four residential buildings housing

588 one- and two-bedroom units for approximately 1,000 residents; a vehicle maintenance building; a waste separation facility; a powerhouse/maintenance building, and a recreational facility with the majority of parking proposed within attached underground parking structures; and

WHEREAS the Planning Board is SEQR lead agency for the Project; and

WHEREAS, the Planning Board required preparation of a Draft Environmental Impact Statement (“DEIS”) to assess potential environmental impacts of the Project; and

WHEREAS, a DEIS was prepared by the Applicant and submitted to the Planning Board for a completeness review; and

WHEREAS, on May 4, 2011, the Planning Board accepted the DEIS as complete for commencing public review; and

WHEREAS, on July 20, 2011, the Planning Board held a duly noticed public hearing on the DEIS as well as hearings on the preliminary special use and site plan applications with the public hearing on the DEIS being closed on, and the preliminary special use and site plan public hearings being adjourned without date; and

WHEREAS, the SEQR public comment period concluded on August 3, 2011; and

WHEREAS, a Final Environmental Impact Statement (FEIS) was prepared to address Project revisions and respond to comments made at the SEQR public hearing and submitted during the SEQR public comment period; and

WHEREAS, the Planning Board determined the FEIS to be complete and caused it to be filed on July 3, 2012; and

WHEREAS, the Planning Board has now prepared a SEQR Findings Statement for the Project that considers the relevant environmental impacts presented in the EIS, weighs and balances such impacts with social, economic and other essential considerations, provides a rationale for the Planning Board’s decision and certifies that the SEQR requirements have been met.

NOW, THEREFORE, BE IT RESOLVED that the Town of Warwick Planning Board hereby adopts the World Headquarters of Jehovah’s Witnesses’ SEQR Findings Statement and authorizes the Planning Board Chairman to file and distribute the Findings Statement in accordance with requirements of SEQR.

Connie Sardo: Ted, could you get me the Adopted Findings Statement by Friday?

Mr. Fink: Yes.

Connie Sardo: Greg, I will circulate the document to all the agencies.

Greg Povah: Ok. Thank you.

2. **Cedar Ridge Subdivision** – Letter from Kirk Rother, P.E., dated 7/15/12 addressed to the Planning Board in regards to the Cedar Ridge Subdivision – requesting **4th 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, County of Orange, State of New York. Conditional Final Approval was granted on, 7/16/08. *The applicant has stated that they are unable at this time, given the current economic climate, to satisfy the financial conditions associated with the final approval, such as parkland fees and road bond.* The 4th Re-Approval of Final Approval becomes effective on, 7/16/12.

Mr. Kennedy makes a motion on the Cedar Ridge Subdivision, granting **4th 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 4th Re-Approval of Final Approval becomes effective on, 7/16/12.

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

3. **Lands of Kirk Rother** – Letter from Kirk Rother, P.E., dated 7/15/12 addressed to the Planning Board in regards to the Lands of Kirk Rother subdivision – requesting **4th 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 1,885 feet north of Waterbury Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. 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 finalization of the legal documents. They anticipate to have these documents complete within a month of this letter after which they would intend to file the map. They ask for this extension to allow them time to satisfy the outstanding conditions of approval.* Re-Approval of Final Approval becomes effective on, 7/16/12.

Mr. Kennedy makes a motion on the Lands of Kirk Rother application, granting **4th 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 4th Re-Approval of Final Approval becomes effective on, 7/16/12.

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

4. Planning Board Minutes of 6/20/12 for Planning Board's Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 6/20/12.

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

5. Planning Board to discuss canceling the 8/27/12 Work Session & 9/5/12 Planning Board meeting due to the Labor Day Holiday.

Mr. McConnell makes a motion to Cancel the 8/27/12 Work Session and the 9/5/12 Planning Board meeting.

Seconded by Mr. Ruskiewicz: 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. Ruskiewicz makes a motion to adjourn the August 1, 2012 Planning Board meeting.

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