

TOWN OF WARWICK PLANNING BOARD

August 5, 2015

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, August 5, 2015 at the Town Hall, 132 Kings Highway, Warwick, New York. Vice-Chairman, Roger Showalter called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

PUBLIC HEARING OF Sayed Shah Building #2

Application for Site Plan Approval and Special Use Permit for the construction and use of conversion of an existing one-family dwelling to a two-family dwelling and 4 one-story commercial spaces previously known as an onion packing facility, situated on tax parcel S 3 B 1 L 44; project located on the southwestern side of County Route 1 (827 County Route 1), in the LB zone, of the Town of Warwick, County of Orange, State of New York.

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

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

Mr. Showalter: Thank you.

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 – 08/11/15 two advisory comments: ensure adequate water and wastewater facilities & commends additional housing with low impact
6. OCDPW – 06/23/15 OCDPW approval letter
7. Applicant to clarify the locations of the parking spaces (e.g., curb stops, painting with striping detail, etc.).
8. Applicant to clarify truck movements around the building and to both dumpsters.
9. To prevent accidental truck traffic on the septic system, the Applicant should install a fence along the southern side of the septic system.
10. A detail must be added for the proposed fencing.

11. Comments from Planning Board September 10, 2014 site inspection must be addressed; see separate site inspection notes.
12. The plans must be signed/sealed by the Licensed Surveyor from the State of New York.
13. The setbacks for the existing shed and existing garage are not adequate; the applicant can obtain a variance from the ZBA, prove that they were constructed before 1973, or remove the structures. ZBA granted variances November 24, 2104.
14. The lot coverage and building heights should be shown in the bulk table.
15. There appears to be portions of the parking area that overlap onto the adjacent lot (3-1-43). Applicant to determine how this will be managed if the two lots have two different owners in the future (shared parking/ easement). Plan shows removal of the overlapping asphalt, Applicant to clarify at meeting.
16. There is an existing fence at one apparent shared driveway location but there is a second shared driveway location where access does not appear to be restricted.
17. Applicant to clarify the solid line at the ODPW-approved driveway entrance. It does not appear to be called out on Sheet 1 and there does not appear to be a detail for it on Sheet 2.
18. 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.” Complete; Sheet 1, Note 14
19. The declaration information for the Agricultural Notes must be added to the plan.
20. A three-ring binder with all color, texture, roofing samples, etc. shall be submitted and retained with the building department after final approval has been granted. Applicant does not propose any changes to the building, so no submittal is proposed at this time.
21. Payment of all bonds (Landscaping, Performance, Marginal Access Road, Construction Trailer Removal, Construction Inspection fees for Landscaping and Performance, and Traffic Mitigation Fees). PB to determine if any bonds are relevant at this time.
22. Surveyor to certify that iron rods have been set at all property corners.
23. Payment of all fees.

The following comment submitted by the Conservation Board:

Sayed Shah Building #2 – None submitted.

The following comment submitted by the ARB:

Sayed Shah Building #2 – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board classified this application as an Unlisted Action. We had done a SEQR review. The SEQR review was very limited in that there is no actual physical construction that was proposed as part of this. The only alteration that is going to take place is the landscaping that they are going to do to pretty up the site. I have prepared a draft Negative Declaration for the Board's consideration.

Comment #2: Applicant to discuss project.

Karen Emmerich: Mr. Shah's property is located on County Route 1. It is just a little more than 2 acres in size. It has an existing onion packing warehouse. A portion of that has been designated as 2 apartments. The remainder building is broken up in 4 different businesses. We were before the ZBA back on 11/24/14 for setbacks for the garage and for the conversion of a one-family dwelling to a two-family dwelling. The ZBA granted those variances. We were also required to go to OCDPW for the driveway entrance. We had done that. They came back with some comments. Primarily they want certain striping done at the entrance to define it better. That is where we are right now.

Mr. Bollenbach: Karen, is it 5 or 4 commercial spaces?

Karen Emmerich: There was 5 commercial spaces. One of the spaces has been merged into a wood working operation. He's taking an extra spot.

Mr. Bollenbach: Are there still 5 spaces?

Karen Emmerich: I guess there are technically 5 spaces.

Mr. Bollenbach: Ok. I just wanted to make sure.

Mr. McConnell: The space that is designated on this as the auto repair is not part of the wood working. Is that right?

Karen Emmerich: No. The wood working has expanded. Originally we had shown that as two separate units. Now it is one unit.

Mr. McConnell: That would then make it 6.

Karen Emmerich: No. It was shown as 5 separate.

Mr. McConnell: It is still shown as 5 separate.

Karen Emmerich: No. It is 4 separate spaces.

Mr. Showalter: My map shows 5 spaces.

Mr. MacDonald: I have 4 spaces.

Laura Barca: The little plan that everyone has that has my writing all over it is the original plan that we received that shows 5 spaces. The revised plan which is the big plan now shows 4 spaces.

Mr. McConnell: Which one did you lose?

Karen Emmerich: Looking at the map, the wood working space is located here now. It incorporates the two.

Mr. Bollenbach: Ok. So now it is 4 one-story commercial spaces instead of the 5 commercial spaces.

Karen Emmerich: Ok.

Comment #3: Conservation Board – pending comments

Comment #4: Architectural Review Board – pending comments

Comment #5: OC Planning Department – 08/11/15 two advisory comments: ensure adequate water and wastewater facilities & commends additional housing with low impact

Mr. Bollenbach: Those comments have been already addressed.

Comment #6: OCDPW – 06/23/15 OCDPW approval letter

Mr. Bollenbach: We will keep that comment as a place saver.

Comment #7: Applicant to clarify the locations of the parking spaces (e.g., curb stops, painting with striping detail, etc.).

Karen Emmerich: We do show the parking spaces. We do not show curb stops. We could show that.

Laura Barca: If those are painted lines, there are no details for the paint lines to indicate that they would actually be painted on.

Karen Emmerich: Ok.

Comment #8: Applicant to clarify truck movements around the building and to both dumpsters.

Karen Emmerich: I thought we had submitted the truck turnaround at the last meeting.

Laura Barca: It doesn't show around the building or access to the dumpsters.

Karen Emmerich: Ok.

Comment #9: To prevent accidental truck traffic on the septic system, the Applicant should install a fence along the southern side of the septic system.

Karen Emmerich: Will do.

Comment #10: A detail must be added for the proposed fencing.

Karen Emmerich: Ok.

Comment #11: Comments from Planning Board September 10, 2014 site inspection must be addressed; see separate site inspection notes.

Karen Emmerich: Ok. Is there anything particular that is not on this list?

Laura Barca: Those are the handwritten notes that are on the small map.

Karen Emmerich: Was that when you walked the property with the architect?

Laura Barca: Yes.

Karen Emmerich: Ok.

Mr. Bollenbach: Laura, are these site inspection notes to be added to the plan?

Laura Barca: Yes. They still need to be addressed.

Mr. Bollenbach: We will add to Comment #11, see separate site inspection notes to be added to the plan.

Comment #12: The plans must be signed/sealed by the Licensed Surveyor from the State of New York.

Karen Emmerich: Ok.

Comment #13: The setbacks for the existing shed and existing garage are not adequate; the applicant can obtain a variance from the ZBA, prove that they were constructed before 1973, or remove the structures. ZBA granted variances November 24, 2104.

Mr. Bollenbach: Is the variance that was granted by the ZBA on November 24, 2014 on the plans?

Karen Emmerich: Yes.

Laura Barca: Yes.

Mr. Bollenbach: We can strike Comment #13.

Comment #14: The lot coverage and building heights should be shown in the bulk table.

Karen Emmerich: Ok.

Comment #15: There appears to be portions of the parking area that overlap onto the adjacent lot (3-1-43). Applicant to determine how this will be managed if the two lots have two different owners in the future (shared parking/ easement). Plan shows removal of the overlapping asphalt, Applicant to clarify at meeting.

Karen Emmerich: He will remove the asphalt.

Mr. Bollenbach: The plan already shows the removal of the asphalt. We can strike Comment #15.

Comment #16: There is an existing fence at one apparent shared driveway location but there is a second shared driveway location where access does not appear to be restricted.

Karen Emmerich: Both of the owners agreed not to have a shared driveway access with the Valentines property who are the new owners. Mr. Shah has put up a fence along his property line on the north side of Mr. Valentines property. The other portion has no fence. He is not permitted access through there. It is private property. The prior owner had allowed access. This one does not.

Mr. Bollenbach: We can strike Comment #16.

Comment #17: Applicant to clarify the solid line at the OCDPW-approved driveway entrance. It does not appear to be called out on Sheet 1 and there does not appear to be a detail for it on Sheet 2.

Karen Emmerich: It is a center line.

Laura Barca: Is it actually there to be painted?

Karen Emmerich: Yes.

Comment #18: 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." Complete; Sheet 1, Note 14.

Mr. Bollenbach: Has that already been provided?

Karen Emmerich: Yes.

Mr. Bollenbach: We can strike Comment #18.

Comment #19: The declaration information for the Agricultural Notes must be added to the plan.

Karen Emmerich: Yes.

Comment #20: A three-ring binder with all color, texture, roofing samples, etc. shall be submitted and retained with the building department after final approval has been granted. Applicant does not propose any changes to the building, so no submittal is proposed at this time.

Karen Emmerich: That is correct. There are no changes to the structure.

Mr. Bollenbach: We can strike Comment #20.

Comment #21: Payment of all bonds (Landscaping, Performance, Marginal Access Road, Construction Trailer Removal, Construction Inspection fees for Landscaping and Performance, and Traffic Mitigation Fees). PB to determine if any bonds are relevant at this time.

Mr. Bollenbach: Are we doing landscape?

Karen Emmerich: Yes. We are doing some landscaping.

Laura Barca: I think the landscape bond is the only one.

Mr. Bollenbach: That is it.

Connie Sardo: You will also need to include the inspection fees for the landscape bond.

Mr. McConnell: How extensive is the landscaping?

Laura Barca: It is pretty minor. It is just along the northern end near the driveway entrance. There are 5 shrubs and 4 grass areas proposed.

Mr. McConnell: That doesn't sound like it would require much of a bond.

Mr. Bollenbach: Dennis, they would do a cost estimate. It is a 3-year landscape bond that is maintained.

Comment #22: Surveyor to certify that iron rods have been set at all property corners.

Karen Emmerich: Is that a requirement?

Mr. Bollenbach: It is not a subdivision. There are no lot line changes. It is the existing property boundaries. There is nothing affected.

Mr. Showalter: I don't think it's needed.

Mr. Bollenbach: It would be up to the Board. Do we have a consensus from the Board?

Mr. Kennedy: I say waive it.

Ms. Little: Are there any issues with the neighbor?

Karen Emmerich: There none that I am aware of.

Mr. Bollenbach: A variance had been granted for the shed that is close. I don't see a need for it. We can strike Comment #22.

Mr. McConnell: Wasn't there some overlapping parking area that was going to be removed?

Mr. Bollenbach: That was on Comment #15.

Karen Emmerich: He owns that property as well.

Mr. McConnell: Ok.

Mr. Bollenbach: It shows on the plan that the overlap is going to be removed.

Mr. McConnell: Ok.

Comment #23: Payment of all fees.

Karen Emmerich: Yes. He is aware that there will be fees.

Mr. Showalter: Do any Board members or Professionals have any comments? This is a public hearing. If there is anyone in the audience wishing to address the Shah Building #2 application, please rise and state your name for the record. Let the record show no public comment.

Mr. Kennedy makes a motion for the Negative Declaration. Seconded by Ms. Little. The following Resolution was carried 5-Ayes.

617.12(b)

State Environmental Quality Review (SEQR)

Resolution Authorizing Filing of Negative Declaration

Name of Action: Sayad Shah Site Plan #2

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed single-family dwelling to a two-family dwelling conversion and approval of an existing warehouse for four commercial activities including a woodworking shop, a hobby auto shop, a contractor's space, and a landscapers' space, Town of Warwick, Orange County, New York, and

Whereas, there are other involved agencies pursuant to SEQR, including the Warwick Zoning Board of Appeals and the Orange County Department of Public Works, which presumably formulated their own SEQR determinations, and

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated July 7, 2014, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

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

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

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

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

Ms. Little makes a motion on the Sayed Shah Building #2 application, granting Site Plan Approval and Special Use Permit for the construction and use of conversion of an existing one-family dwelling to a two-family dwelling and 4 one-story commercial spaces previously known as an onion packing facility, situated on tax parcel S 3 B 1 L 44; project located on the southwestern side of County Route 1 (827 County Route 1), in the LB zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on August 5, 2015. Approval is granted subject to the following conditions:

1. OCDPW – 06/23/15 OCDPW approval letter
2. Applicant to clarify the locations of the parking spaces (e.g., curb stops, painting with striping detail, etc.).

3. Applicant to clarify truck movements around the building and to both dumpsters.
4. To prevent accidental truck traffic on the septic system, the Applicant should install a fence along the southern side of the septic system.
5. A detail must be added for the proposed fencing.
6. Comments from Planning Board September 10, 2014 site inspection must be addressed.
7. The plans must be signed/sealed by the Licensed Surveyor from the State of New York.
8. The lot coverage and building heights should be shown in the bulk table.
9. Applicant to clarify the solid line at the OCDPW-approved driveway entrance. It does not appear to be called out on Sheet 1 and there does not appear to be a detail for it on Sheet 2.
10. The declaration information for the Agricultural Notes must be added to the plan.
11. Payment of the bonds (Landscaping Bond and Construction Inspection Fees for Landscaping).
12. Payment of all fees.

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

Karen Emmerich: Thank you.

Review of Submitted Maps:***T-Mobile/Omnipoint/Route 94 (Randall Property)***

Application for Site Plan Approval for the construction and use of replacing (3) existing panel antennas with (3) new panel antennas. Installing (1) BBU cabinet inside the existing compound located at the Omnipoint Cell Tower, situated on tax parcel S 19 B 1 L 55.2; project located on the western side of Route 94 North (2 Castle Ridge Drive), in the MT zone, of the Town of Warwick.

Representing the applicant: William Stone from Crown Castle, Tower Owner & Agent.

The following 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. Wireless Telecommunication Facility Board comments: pending
6. OCPD: pending submittal
7. Applicant to certify that all branches are in place (and not damaged) per the previously approved plan. Certification of this shall be provided to the Building Department.
8. Provide updated Emergency Service Plan and post contact information at the site for emergency purposes.
9. The appropriate Town of Warwick Standard notes must be added to the plan.
10. §164-79.A.(1)(a) The Planning Board must determine if additional landscaping should be installed.
11. §164-79.A.(1) and (4) The color of the towers, cabinets, and associated accessory structures are required to be non-reflective; the Applicant should confirm the colors of these items (on Sheet A-2) or applicant to add a note to the plan (on Sheet A-2) stating that any new ground equipment will be placed inside of an existing structure.
12. §164-79.A.(2) All lighting, including existing, must be in compliance with §164-43.4, where are lighting features are shielded/facing downward; Applicant to add note to confirm that no new lighting is proposed.
13. §164-79.A.(3)(a) All signage, including existing, must be in compliance with §164-43.1; Applicant to add note to document the type and locations of existing FCC signage (or to confirm that new signage will be installed and maintained). FCC signage should be maintained (and installed if not currently present) in accordance with applicable local, State, and Federal rules and regulations.
14. §164-79.A.(3)(b) Applicant to confirm if Danger-High Voltage signs are required/posted.
15. §164-80.B.(1). This special use application requires proof that the Applicant is a licensed carrier in the project area.
16. §164-79.B(4) Applicant to confirm that noise is less than 50dB at the property line.
17. §164-83.B (1) Wireless Facilities shall be structurally inspected annually and certified by a professional engineer.
18. §164-79.C(1) Applicant to provide the current and cumulative Radio Frequency Radiation (RFR). Applicant to confirm that RFR complies with current the Federal maximum permissible exposure (MPE) level for the general public.
19. All of the drawings sheets must be updated with the correct address (2 Castle Ridge Drive).
20. The site plan shown on Sheet C-1 does not appear to show the three-lot subdivision that was finalized in 2013. Applicant should update drawing.

21. The Approved for Filing signature box should be moved to the first sheet of the drawing set (Sheet T-1).
22. The declaration information for the Agricultural Notes for projects within 2000-ft of an agriculturally zoned district will need to be shown on the drawing. This information has already been filed with the Orange County Clerk's Office on 08/21/08 at liber 12719 page 0164.
23. The declaration information for the Ridgeline Overlay Notes will need to be shown on the drawing. This information has already been filed with the Orange County Clerk's Office on 08/21/08 at liber 12719 page 0164.
24. Private Road and maintenance agreement for Castle Ridge and the access road to the cellular tower must be submitted and the declaration information added to the plans.
25. Payment of all fees.

The following comment submitted by the Conservation Board:

T-Mobile/Omnipoint/Route 94 (Randall Property) – None submitted.

The following comment submitted by the ARB:

T-Mobile/Omnipoint/Route 94 (Randall Property) – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This application is a Type 2 Action. No SEQR review is necessary. It meets the thresholds under the SEQRA Regulations. I have prepared a Resolution for the Board's consideration.

Mr. McConnell makes a motion for the Type 2 Action.

Seconded by Ms. Little. The following Resolution was carried 5-Ayes.

617.6
State Environmental Quality Review (SEQR)
Resolution
Type 2 Action

Name of Action: T-Mobile - Will Stone/Crown Castle Tower Modification

Whereas, the Town of Warwick Planning Board is in receipt of a Site Plan application by T-Mobile - Will Stone/Crown Castle for a \pm 0.003 acre parcel of land located at 677 Route 94 North, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated June 17, 2015 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 a Type 2 Action that meets the thresholds found in 6 NYCRR 617.5(c)(7) and, therefore, SEQR does not apply, and

Whereas, the Planning Board has determined that the proposed project is not within an agricultural district and, therefore, the requirements of 617.6(a)(6) do not apply, 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 that no further review under SEQRA is required.

Comment #2: Applicant to discuss project.

William Stone: There is a correction on the application's description of what the project is. What you have says that we are swapping 3 antennas and then adding 3 additional antennas. That is not the case. We are swapping 3 existing antennas with 3 new antennas. The net quantity of antennas will not change. It will still be 6 antennas. What T-Mobile is looking to do is remove 3 existing antennas and replacing them with 3 new antennas for their 700 MHz deployment. It is at their 96-foot elevation. The only other change there is to add a BBU cabinet on their existing concrete pad. What that is, it is a small battery cabinet. The dimensions of that is 2-1/2 feet tall by 14 inches wide by 2 feet deep. That is the total change.

Mr. McConnell: Is there a difference in appearance of the antenna panels?

William Stone: No. If you are familiar with the site, there is actually a faux pine fir sheathing over all the antennas. It is almost like a sock that goes over these antennas. From the road, you won't be able to see anything different. The appearance will not change.

Mr. McConnell: Ok.

Comment #3: Conservation Board comments: pending

Comment #4: Architectural Review Board comments: pending

Comment #5: Wireless Telecommunication Facility Board comments: pending

Comment #6: OCPD: pending submittal

Comment #7: Applicant to certify that all branches are in place (and not damaged) per the previously approved plan. Certification of this shall be provided to the Building Department.

Mr. Showalter: Laura, are there any comments here that stand out or does the applicant have any questions on these comments?

Laura Barca: These are standard comments that we have for our cell towers. Are there any comments you would like to discuss?

William Stone: Regarding Comment #7 about the branches if there are any that are damaged, we would address that or fix that.

Mr. Bollenbach: What is the total count? What is it supposed to be? We've had problems in the past with ice storms where branches had fallen off. We want to make sure that they have all been replaced so that it is properly camouflaged.

William Stone: Sure. Are you looking for some type of a report or pictures?

Mr. Showalter: Show something that states how many branches are there and how they are secured.

Mr. Bollenbach: Some type of a report would be fine.

William Stone: Ok.

Comment #8: Provide updated Emergency Service Plan and post contact information at the site for emergency purposes.

William Stone: We have one in place already. There are notifications on the gate on which numbers to call in case of an emergency.

Mr. Bollenbach: You will need to provide that again. This is another application. Just make sure that all of the information is updated.

William Stone: Ok.

Mr. Bollenbach: Do you have an annual maintenance contract? Have you provided copies to the Building Department?

Mr. Showalter: What John is saying, go through these comments and give the Building Department everything that they are asking.

William Stone: Ok.

Mr. Bollenbach: Just make sure they are up to date.

William Stone: I think there were only a few comments in here that are not applicable. For instance, we would not be increasing any of the noise levels of the site.

Mr. Showalter: Comment #16 asks that you confirm the noise is less than 50dB at the property line.

William Stone: Right.

Mr. Showalter: As I had mentioned before, John is stating that you provide all of the information that is being asked here.

William Stone: Ok.

Mr. Bollenbach: Laura, which question deals with the load capacity of the structure? Have they already provided that?

Laura Barca: They have provided a structural. It is currently under review.

Mr. Bollenbach: We should add a comment regarding the load capacity and what it is currently at. Give a percentage of the load capacity before and after.

William Stone: Sure. We provided a structural analysis that has that.

Mr. Bollenbach: Our Engineers are just reviewing that right now. Let's just keep that as a place saver.

Laura Barca: That would be Comment #17.

William Stone: Yes.

Mr. Bollenbach: Comment #17 talks about the annual inspection.

Laura Barca: Right. We have that. We are reviewing it.

William Stone: We will comply with all of these comments.

Mr. Showalter: Ok. We will list Comments #7 through #25 for the record. Does the applicant wish to be set for a public hearing at the next available agenda?

William Stone: We wanted to see if we could receive approval tonight based on the fact that this is a minor modification. It falls under Section 164-09 of the Middle Class Tax relief Act of 2012 as a minor change. We are not increasing the height of the tower. We are not expanding the diameter of the tower.

Mr. Bollenbach: We haven't reviewed the structural analysis. There are a lot of open issues. I want to streamline things so that the next time you show up we could grant you an approval.

William Stone: Sure. When would the next public hearing be?

Ms. Little: How has the maintenance been on the road the access to the tower itself. Has there been any issues?

Mr. Bollenbach: That's the other thing. We would like to discuss this with the Building Department. We like to give the neighbors an opportunity to comment. There has been a history of difficulty in having the access roadway maintained properly.

William Stone: Is it just with this tower itself?

Mr. Showalter: It is with all of them.

Mr. Bollenbach: We need to know about the snow removal and the emergency access.

William Stone: A lot of times it is up to the property owner to maintain that and not the tower.

Mr. Bollenbach: That is the thing. There is a combination on who maintains what portion of it. That is why we are requiring that there be an annual maintenance contract in place. This has been an ongoing concern.

Connie Sardo: Also, the Building Department has not been receiving annual reports.

Mr. Showalter: We want to make sure that not only the owners but the people who are leasing space on the towers gets this information back to the owners so that everyone is on the same page and the proper work gets done.

Laura Barca: Actually, in December of 2014 Crown Castle on this particular tower is the only one that has ever submitted an annual structural report without being asked.

Mr. Showalter: Congratulation. That is good.

Mr. Bollenbach: Does the Board want to set them for a public hearing at the next available agenda?

Mr. McConnell makes a motion to set T-Mobile/Omnipoint application for a Public Hearing at the next available agenda.

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

William Stone: Thank you.

Comment #9: The appropriate Town of Warwick Standard notes must be added to the plan.

Comment #10: §164-79.A.(1)(a) The Planning Board must determine if additional landscaping should be installed.

Comment #11: §164-79.A.(1) and (4) The color of the towers, cabinets, and associated accessory structures are required to be non-reflective; the Applicant should confirm the colors of these items (on Sheet A-2) or applicant to add a note to the plan (on Sheet A-2) stating that any new ground equipment will be placed inside of an existing structure.

Comment #12: §164-79.A.(2) All lighting, including existing, must be in compliance with §164-43.4, where are lighting features are shielded/facing downward; Applicant to add note to confirm that no new lighting is proposed.

Comment #13: §164-79.A.(3)(a) All signage, including existing, must be in compliance with §164-43.1; Applicant to add note to document the type and locations of existing FCC signage (or to confirm that new signage will be installed and maintained). FCC signage should be maintained (and installed if not currently present) in accordance with applicable local, State, and Federal rules and regulations.

Comment #14: §164-79.A.(3)(b) Applicant to confirm if Danger-High Voltage signs are required/posted.

Comment #15: §164-80.B.(1). This special use application requires proof that the Applicant is a licensed carrier in the project area.

Comment #16: §164-79.B(4) Applicant to confirm that noise is less than 50dB at the property line.

Comment #17: §164-83.B (1) Wireless Facilities shall be structurally inspected annually and certified by a professional engineer.

Comment #18: §164-79.C(1) Applicant to provide the current and cumulative Radio Frequency Radiation (RFR). Applicant to confirm that RFR complies with current the Federal maximum permissible exposure (MPE) level for the general public.

Comment #19: All of the drawings sheets must be updated with the correct address (2 Castle Ridge Drive).

Comment #20: The site plan shown on Sheet C-1 does not appear to show the three-lot subdivision that was finalized in 2013. Applicant should update drawing.

Comment #21: The Approved for Filing signature box should be moved to the first sheet of the drawing set (Sheet T-1).

Comment #22: The declaration information for the Agricultural Notes for projects within 2000-ft of an agriculturally zoned district will need to be shown on the drawing. This information has already been filed with the Orange County Clerk's Office on 08/21/08 at liber 12719 page 0164.

Comment #23: The declaration information for the Ridgeline Overlay Notes will need to be shown on the drawing. This information has already been filed with the Orange County Clerk's Office on 08/21/08 at liber 12719 page 0164.

Comment #24: Private Road and maintenance agreement for Castle Ridge and the access road to the cellular tower must be submitted and the declaration information added to the plans.

Comment #25: Payment of all fees.

New Jersey Transit/American Tower (15 Pysners Peak)

Application for Site Plan Approval for the construction and use of a Land Mobile Radio (LMR) System, which shall serve the NJ Transit buses and trains and the NJ Transit busses from Warwick. The proposed improvements consist of the following: Installation of an unmanned, re-tasked Nextel 11'-5" x 20'-4" equipment shelter upon an existing concrete foundation. Installation of an emergency generator on a concrete pad. Installation of a 1000-gallon propane storage tank upon a concrete pad. Installation of (2) Panel antennas at 130 ft above grade on the existing 200 ft tower served by (4) coaxial cables. Installation of a cable bridge between the proposed shelter and existing tower. Installation of electric and telephone services. All work is contained within the existing fenced compound, upon the existing tower and in keeping with the existing use, situated on tax parcel SBL # 58-1-18.22; project located on the eastern side of Pysners Peak and north of Kain Road (15 Pysners Peak), in the MT zone, of the Town of Warwick.

Representing the applicant: Peter Papay and Carmine DeFalco from New Jersey Transit, Applicants.

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. Wireless Telecommunication Facility Board comments: pending
6. OCPD: pending submittal
7. The appropriate Town of Warwick Standard notes must be added to the plan.
8. Provide updated Emergency Service Plan and post contact information at the site for emergency purposes.
9. §164-79.A.(1)(a) The Planning Board must determine if additional landscaping should be installed.
10. §164-79.A.(1) and (4) The color of the towers, cabinets, and associated accessory structures are required to be non-reflective; the Applicant should confirm the colors of these items (on Sheet A-2) or applicant to add a note to the plan (on Sheet A-2) stating that any new ground equipment will be placed inside of an existing structure.
11. §164-79.A.(2) All lighting, including existing, must be in compliance with §164-43.4, where are lighting features are shielded/facing downward; Applicant to add note to confirm that no new lighting is proposed.
12. §164-79.A.(3)(a) All signage, including existing, must be in compliance with §164-43.1; Applicant to add note to document the type and locations of existing FCC signage (or to confirm that new signage will be installed and maintained). FCC signage should be maintained (and installed if not currently present) in accordance with applicable local, State, and Federal rules and regulations.
13. §164-79.A.(3)(b) Applicant to confirm if Danger-High Voltage signs are required/posted.
14. §164-80.B.(1). This special use application requires proof that the Applicant is a licensed carrier in the project area.
15. §164-79.B(4) Applicant to confirm that noise is less than 50dB at the property line.
16. 164-83.B (1)Wireless Facilities shall be structurally inspected annually and certified by a professional engineer.

17. §164-79.C(1) Applicant to provide the current and cumulative Radio Frequency Radiation (RFR). Applicant to confirm that RFR complies with current the Federal maximum permissible exposure (MPE) level for the general public.
18. The Ridgeline Overlay notes have been added to Sheet 1; Note 7 can be replaced by the following note that was added to the previous cell tower owner's final plans (Global Tower, signed 10/06/11): There are existing grants of easement to the United States of America (Book 11635 Page 1759 and Book 11635 Page 1768) limiting the future development of this property and the height above grade level of structures.
19. The following Private Road notes and maintenance agreement shall be added to the plan: A declaration setting forth the private road and drainage maintenance agreement has been recorded in the Orange County Clerk's Office in Liber 4639, Page 29 on 09/29/97.
20. Private road notes as determined by the Planning Board Attorney must be added to the plans.
21. Payment of all fees.

The following comment submitted by the Conservation Board:

New Jersey Transit/American Tower (15 Pysners Peak) – None submitted.

The following comment submitted by the ARB:

New Jersey Transit/American Tower (15 Pysners Peak) – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This application is a Type 2 Action. No SEQR review is necessary. It meets the thresholds under the SEQRA Regulations. I have prepared a Resolution for the Board's consideration.

Mr. Kennedy makes a motion for the Type 2 Action.

Seconded by Ms. Little. The following Resolution was carried 5-Ayes.

617.6
State Environmental Quality Review (SEQR)
Resolution
Type 2 Action

Name of Action: New Jersey Transit - CoLocation at 15 Pysers Peak

Whereas, the Town of Warwick Planning Board is in receipt of a Site Plan application by New Jersey Transit for a ± 5.1 acre parcel of land located at 15 Pysers Peak, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated July 14, 2015 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 a Type 2 Action that meets the thresholds found in 6 NYCRR 617.5(c)(7) and, therefore, SEQR does not apply, and

Whereas, the Planning Board has determined that the proposed project is not within an agricultural district and, therefore, the requirements of 617.6(a)(6) do not apply, 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 that no further review under SEQR is required.

Comment #2: Applicant to discuss project.

Peter Papay: New Jersey Transit is re-tasking a Nextel shelter. The shelter is finished in a faux brick. It is not reflective. It is a flat adobe type color. It sits on a foundation that Nextel had vacated. I was before the Board here about 20 years ago for Nextel to occupy that space. At that time, MCI had taken their shelter out of there. Nextel had taken it out for them. We are reusing that foundation again. We are adding a 60 KW propane fired generator along with 1000-gallon propane tank adjacent to it. We have 4 coaxial cables that will run to the taller tower with 2 panel antennas at 130 feet above grade mounted to that larger tower. I didn't have a structural analysis report this morning. I do have one now. The structural analysis passes with the proposed NJ Transit antennas on it. The maximum usage is 101% on the foundation bolts which is still passing. The inventory not only includes the proposed NJ Transit antennas and the existing antennas but there is also a future or reserved T-Mobile antennas that are included in the analysis. I have here the structural analysis report to submit to you.

Connie Sardo: Ok. I will take one. Please hand a copy to our Professionals.

Peter Papay: Ok.

Mr. Bollenbach: Are the Sprint antennas included in that?

Peter Papay: Yes. It also includes Verizon.

Mr. Bollenbach: The ones that are proposed that had just been recently approved. Is that included in that?

Peter Papay: That should be included as an update because they have the same company performing the analysis.

Mr. Bollenbach: Ok.

Mr. Showalter: Do you have anything else?

Peter Papay: There may be a conduit left over from Nextel used for NJ Transit to use. There is existing landscaping, wooded and natural areas located there where you wouldn't be able to see this from the street.

Mr. Showalter: This would improve the communication for the buses. Is that correct?

Mr. McConnell: Does that mean my bus won't be late again?

Carmine DeFalco: I am the radio guy. It is primarily for the buses 'communication and for the Supervisors'. What we try to do in advance of a storm is get the Supervisors up and out on the road. This will make it easier rather than using cell phones. Today there are no communications up here with our buses. Once we have the same communication that we use in other areas where we have coverage, we have an emergency button that we use in the event that someone is in trouble. We hit that button and a display comes out on the outside of the bus that says call 911. It will help out in emergency situations.

Mr. Showalter: What about the trains?

Carmine DeFalco: It will help the trains. Right now the trains are primarily using VHF radios. We are starting to evaluate them to try to get them over. This radio system is a new technology. It seems to be working very well for us. It is also backup for our Police Department for special ops.

Mr. McConnell: I'm surprised that the distance from the top of Pysners Peak to where your nearest track is would allow this communication.

Carmine DeFalco: Right now today, that is not the primary function. Right now the primary function is for the buses. What we are doing trying to cover coming out of Warwick and going up through Greenwood Lake. We have other sites like Hamburg Mountain and Green Pond. At those places, we never had communication before. Now this is giving us the opportunity to go after all of those different bus routes and have communication.

Mr. Showalter: That would be fantastic.

Comment #3: Conservation Board comments: pending

Comment #4: Architectural Review Board comments: pending

Comment #5: Wireless Telecommunication Facility Board comments: pending

Comment #6: OCPD: pending submittal

Comment #7: The appropriate Town of Warwick Standard notes must be added to the plan.

Peter Papay: Will do.

Mr. Showalter: Laura, are there any comments outstanding here that you or the applicant would like to discuss?

Laura Barca: These comments are typical comments that we ask every cell tower application. Do you have any questions on any of the comments?

Peter Papay: No. Typically, NJ Transit doesn't have or need any signage that they put on their shelters or the fence.

Laura Barca: That is fine. In your response letter, if there is no signage proposed just state no signage is proposed.

Peter Papay: Ok.

Mr. Showalter: Ok. Mr. Papay, I recommend you go through all of these comments and submit to Laura whatever she needs.

Peter Papay: Ok.

Mr. Bollenbach: I just want to discuss Comment #8 regarding providing an updated Emergency Service Plan. We are still monkeying around with Sprint. There is more to maintaining the private road than just a simple contract to plow snow. It has to be maintained, cleared and repaired. That is what they are working on. Those documents will be prepared and you can take it and tag onto it to add your information to that plan as well.

Peter Papay: It is actually American Tower's site. They are required to keep it open for the Lessees.

Mr. Bollenbach: It is required by the Town that there would be an annual maintenance contract in place. Right now, there is none. I just wanted to bring it to your attention that it is in progress.

Peter Papay: Ok.

Mr. Showalter: You need to be aware of that.

Carmine DeFalco: We need to go back to American Tower.

Mrs. Little: Yes.

Mr. McConnell: You are the pressure point.

Mr. Bollenbach: Regarding the colors of the propane tanks. They would have to be earth tone colors. It's not just the Town's requirement, but there has been litigation with the Parks Service in the past. There are declarations in place that restrict the colors. That is why you have earth tone non-reflective colors of your compound structures.

Peter Papay: That would also include the generator.

Mr. Bollenbach: Yes.

Ms. Little: I am going to go back to the signage. Since there is going to be a generator and a propane tank, do we feel that there should be a need of some sort of signage?

Mr. Bollenbach: There would be standard placards.

Peter Papay: Right.

Ms. Little: Ok.

Mr. McConnell: How big is the 1000 gallon propane tank?

Peter Papay: It is about 3 feet in diameter 10 feet long.

Mr. Bollenbach: Do you have any vehicular circulation within the compound?

Peter Papay: No. There is no reason to.

Mr. Showalter: Pete, you would have to have something that would guard the propane tank.

Peter Papay: Ok.

Ms. Little: Regarding Comment #15 the decibel level, what will that be?

Peter Papay: The generator comes with the optional level 3 noise structure with a hospital grade silencer.

Ms. Little: OK.

Peter Papay: We will be able to meet the 50dB at the property lines.

Mr. Showalter: It is a thick insulated box. We will list Comment # 8 through #21 for the record. Would the Board like to set this application for a public hearing? Would the applicant wish to be set for a public hearing at the next available agenda?

Mr. McConnell: Yes.

Ms. Little: Yes.

Peter Papay: Yes.

Mr. Kennedy makes a motion to set the New Jersey Transit/American Tower application for a Public Hearing at the next available agenda.

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

Peter Papay: Thank you.

Carmine DeFalco: Thank you.

Comment #8: Provide updated Emergency Service Plan and post contact information at the site for emergency purposes.

Comment #9: §164-79.A.(1)(a) The Planning Board must determine if additional landscaping should be installed.

Comment #10: §164-79.A.(1) and (4) The color of the towers, cabinets, and associated accessory structures are required to be non-reflective; the Applicant should confirm the

colors of these items (on Sheet A-2) or applicant to add a note to the plan (on Sheet A-2) stating that any new ground equipment will be placed inside of an existing structure.

Comment #11: §164-79.A.(2) All lighting, including existing, must be in compliance with §164-43.4, where are lighting features are shielded/facing downward; Applicant to add note to confirm that no new lighting is proposed.

Comment #12: §164-79.A.(3)(a) All signage, including existing, must be in compliance with §164-43.1; Applicant to add note to document the type and locations of existing FCC signage (or to confirm that new signage will be installed and maintained). FCC signage should be maintained (and installed if not currently present) in accordance with applicable local, State, and Federal rules and regulations.

Comment #13: §164-79.A.(3)(b) Applicant to confirm if Danger-High Voltage signs are required/posted.

Comment #14: §164-80.B.(1). This special use application requires proof that the Applicant is a licensed carrier in the project area.

Comment #15: §164-79.B(4) Applicant to confirm that noise is less than 50dB at the property line.

Comment #16: 164-83.B (1) Wireless Facilities shall be structurally inspected annually and certified by a professional engineer.

Comment #17: §164-79.C(1) Applicant to provide the current and cumulative Radio Frequency Radiation (RFR). Applicant to confirm that RFR complies with current the Federal maximum permissible exposure (MPE) level for the general public.

Comment #18: The Ridgeline Overlay notes have been added to Sheet 1; Note 7 can be replaced by the following note that was added to the previous cell tower owner's final plans (Global Tower, signed 10/06/11): There are existing grants of easement to the United States of America (Book 11635 Page 1759 and Book 11635 Page 1768) limiting the future development of this property and the height above grade level of structures.

Comment #19: The following Private Road notes and maintenance agreement shall be added to the plan: A declaration setting forth the private road and drainage maintenance agreement has been recorded in the Orange County Clerk's Office in Liber 4639, Page 29 on 09/29/97.

Comment #20: Private road notes as determined by the Planning Board Attorney must be added to the plans.

Comment #21: Payment of all fees.

Other Considerations:

1. George Brunjes Site Plan – Planning Board to discuss scheduling a site visit.

Mr. Showalter: When would the Board like to do the site visit? How about before our next Planning Board Meeting on 9/2/15 at 6:00pm.?

Mr. McConnell: I can't make it.

Mr. Kennedy: That's fine.

Ms. Little: That's fine.

Mr. Showalter: We will schedule the site visit for September 2, 2015 @ 6:00p.m. We will meet at 18 Buttermilk Falls Road.

Connie Sardo: I will send an email out to everyone.

Mr. Showalter: Ok.

2. Planning Board Minutes of 7/1/15 for PB Approval.

Mr. McConnell makes a motion to Approve the 7/1/15 Planning Board Minutes.

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

3. Planning Board to discuss canceling the 8/10/15 Work Session & 8/19/15 PB Meeting. Due to no submittals.

Mr. McConnell makes a motion to cancel the 8/10/15 Work Session & 8/19/15 Planning Board Meeting.

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

4. **Tinnirello Subdivision** – Letter from Douglas Tinnirello, dated 7/22/15 addressed to the Planning Board in regards to the Tinnirello Subdivision – requesting **6th Re-Approval** of Final Approval of a proposed 3-Lot subdivision, situated on tax parcels SBL # 49-1-56 & 45.42; parcels located on the southeast side of NYS Route 94 1000 feet southwest of Wawayanda Road, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 6/17/09. *The Applicant has stated that due to the continued depressed state of the economy, they have not been able to generate enough income to cover the cost of anything.* The 6th Re-Approval of Final Approval becomes effective on 6/17/15, subject to the conditions of final approval granted on 6/17/09.

Mr. Kennedy makes a motion on the Tinnirello Subdivision application, granting granted "**6th 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 6th Re-Approval of Final Approval becomes effective on, 6/17/15, subject to the conditions of final approval granted on, 6/17/09.

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

5. **Mongelluzzo Subdivision** – Letter from Kirk Rother, P.E., dated 6/10/15 received on 7/30/15 addressed to the Planning Board in regards to the Mongelluzzo Subdivision – requesting 6-Month Extension on Final Approval of a proposed 2-Lot Cluster subdivision, situated on tax parcel SBL # 31-2-44.32; parcel located on the southeasterly side of Ackerman Road 1200± feet off the intersection of Kings Highway (C.H. 13), in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 11/5/14. *The Applicant has stated that they are currently in the process of satisfying the conditions of the approval.* The 6-Month Extension becomes effective on 5/5/15.

Mr. Kennedy makes a motion on the Mongelluzzo Subdivision application, granting granted a 6-Month Extension on Final Approval of a proposed 2-Lot Cluster subdivision. Conditional Final Approval was granted on 11/5/14.

The 6-Month Extension becomes effective on 5/5/15.

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

6. **Rother Subdivision** – Letter from Kirk Rother, P.E., dated 7/30/15 addressed to the Planning Board in regards to the Rother Subdivision – requesting **7th Re-Approval** of Final Approval of a proposed 2-Lot Cluster subdivision, situated on tax parcel SBL # 42-1-110.4; parcel located on the western side of C.R. 1, 1885 feet north of Waterbury Road, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 7/16/08. *The Applicant has stated due to the economy they are unable to finalize the remaining conditions at this time, such as payment of parkland and attorney fees.* The 7th Re-Approval of Final Approval becomes effective on 7/16/15, subject to the conditions of final approval granted on 7/16/08.

Mr. McConnell makes a motion on the Rother Subdivision application, granting **7th 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 7th Re-Approval of Final Approval becomes effective on 7/16/15, subject to the conditions of final approval granted on 7/16/08.

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

7. **Cedar Ridge Subdivision** – Letter from Kirk Rother, P.E., dated 5/6/15 received on 7/30/15 addressed to the Planning Board in regards to the Cedar Ridge Subdivision – requesting **7th Re-**

Approval of Final Approval of a proposed 36-Lot subdivision, situated on tax parcel SBL # 7-2-51.2; parcel located along the south side of Wheeler Road approximately 1500 feet west of intersection with C.R. 41, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 7/16/08. *The Applicant has stated due to the current economic climate, they are unable to satisfy the final conditions of the approval such as Parkland Fees & Bonds.* The 7th Re-Approval of Final Approval becomes effective on 7/16/15, subject to the conditions of final approval granted on 7/16/08.

Ms. Little makes a motion on the Cedar Ridge Subdivision application, granting 7th **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 7th Re-Approval of Final Approval becomes effective on 7/16/15, subject to the conditions of final approval granted on 7/16/08.

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

Correspondences:

Mr. Showalter: Connie, do we have any correspondences this evening?

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

Mr. Showalter: 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 August 5, 2015 Planning Board Meeting.

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