

TOWN OF WARWICK PLANNING BOARD

August 15, 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 15, 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:

Kara-Marie Reyes-Rinaldi

Application for Site Plan Approval and Special Use Permit for the construction and use of conversion of a single-family dwelling into a two-family dwelling, situated on tax parcel S 31 B 1 L 5; project located on the northern side of West Ridge Road 100 feet east of Sleepy Valley Road, (59 West Ridge Rd), in the RU zone, of the Town of Warwick.

Representing the applicant: Ramon Reyes and Kara-Marie Reyes-Rinaldi, applicants.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 08/13/12 CB has policy concerns, concerns about property values, & efficient use of a structure is a positive from an environmental aspect
4. Architectural Review Board comments: pending
5. OCPD GML Review: 08/08/12 conversion of single-family to two-family is an excellent way to provide affordable housing that does not significantly impact the character of the neighborhood or strain public resources.
6. ZBA variance is required for lot area.
7. The deed identifies that there are three owners of the property; all owners must sign the application form.
8. Metes and bounds information is shown and a surveyor of record is shown on the plans; the final plan will need to be signed/sealed by this surveyor.
9. Although the drawing submitted shows that this parcel is 2.001 acres, the Orange County Tax Map records show that this property is 1.8 acres; applicant to clarify.
10. Applicant to clarify if any external improvements will be made to the home.
11. Applicant to clarify water supply to two separate housing units.
12. Applicant to show septic system service on the plan.
13. A dye test should be conducted and witnessed by the Planning Board Engineer.

- 14. The configuration of the driveway must be revised to show that four cars can be parked without having to back out of the driveway. Cars must also be able to drive around a parked car in the front portion of the driveway to be used as more than one parking space.
- 15. Sight distances must be shown at the driveway entrance points; if any clearing is necessary, this shall be shown on the plan.
- 16. Provide a map note that the proposed construction or use shall not begin until the maps are signed by the Planning Board Chairman and appropriate Building Department permits are obtained.
- 17. Agricultural notes must be added to the plans.
- 18. Surveyor to certify that iron rods have been set at all property corners.
- 19. Payment of all fees.

The following comment submitted by the Conservation Board, dated 8/15/12:

Kara-Marie Reyes-Rinaldi - This “down-zoning” application presents interesting policy issues. Should it be permissible to even consider a two-family dwelling in a single family residential zone? If consideration is to be given to a multi-family dwelling in a single family zone, under what circumstances is it permissible? Shouldn’t the neighbors be notified and have a chance to weigh in on the pros and cons. If allowed, what precedent is this setting? I think many people would consider such a down-zoning as adversely affecting their property values. On the other hand, more efficiently utilizing an existing structure is a positive from an environmental point of view.

The following comment submitted by the ARB:

Kara-Marie Reyes-Rinaldi – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The applicant has submitted a short EAF. I have reviewed the thresholds for Type 2 Actions under SEQR. This application does qualify for a Type 2 Action. No SEQR review is necessary.

Mr. McConnell makes a motion for Type 2 Action.

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

617.6
 State Environmental Quality Review (SEQR)

Resolution

Type 2 Action

Name of Action: Reyes Residence

Whereas, the Town of Warwick Planning Board is in receipt of a Site Plan/Special Use Permit application by Ramon Reyes, Jr., Kara-Marie Reyes-Rinaldi, and Karli-Marie Reyes for a ± 2.0 acre parcel of land located at 59 West Ridge Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 7/21/12 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)(9) 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 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.

Ramon Reyes: This was our former family home. We grew up in this home. We have since moved on. We want this home to become a two-family home. The reason why is that my sister's daughter who is in the Peace Corps., now will be coming back home in about 1-1/2 years from now. She is on the deed. We wanted that to be a place for her to have. She probably won't be able to afford to maintain the whole house. We wanted to separate this house into a two-family dwelling so that she could live in one side and rent the other side out. That way she could pay all the taxes and everything.

Comment #3: Conservation Board comments: 08/13/12 CB has policy concerns, concerns about property values, & efficient use of a structure is a positive from an environmental aspect.

Mr. Bollenbach: I will address that comment quickly. As far as opportunities to be heard, the Planning Board would have a public hearing. This application would also have to go before the ZBA. There would also be opportunities for public comment at that time. It is within the zoning that the Town Board had adopted as a special use for the conversion from a single-family dwelling to a two-family dwelling. There are certain criteria set forth that the applicant would have to comply.

Mr. Astorino: Connie, did you give them a ZBA application?

Connie Sardo: Yes.

Mr. Astorino: Thanks.

Comment #4: Architectural Review Board comments: pending

Comment #5: OCPD GML Review: 08/08/12 conversion of single-family to two-family is an excellent way to provide affordable housing that does not significantly impact the character of the neighborhood or strain public resources.

Comment #6: ZBA variance is required for lot area.

Mr. Astorino: That is where we are at now with this application. We could go further with these comments. I don't think it would do any good. We will list Comments 7 through 19 for the record.

Mr. Bollenbach: Unless the applicants have any questions on any of these comments.

Mr. Astorino: But, at this point, you would have to go before the ZBA for a variance. Whether you are accepted or denied by the ZBA, you would then come back to the Planning Board. It would be up to the Board if they would want to send them to the ZBA either with a negative recommendation, a positive recommendation, or send them to the ZBA without recommendation. What does the Board want to do?

Mr. McConnell: John, what was the lot size area the ZBA would not need to be approached on? What I mean, if this was a 10-acre parcel, the ZBA would not be involved?

Mr. Bollenbach: 8 acres are required unless there were some other constraints regarding septic, slopes or whatever.

Mr. McConnell: Ok. At the Work Session, we had questions about the conversion. You were not at the Work Session for us to be able to ask you what the situation was. I understand what you are saying that it is a permitted special use within the zone. So, it needed to come before the Planning Board to make sure it meets all of the points on that. The ZBA would not need to be approached if the property was 8 acres.

Mr. Bollenbach: Yes. Correct.

Mr. McConnell: Ok. Thank you.

Mr. Astorino: Ok. My personal opinion, I would send them to the ZBA without recommendation. You told your story to us. You will tell your story to the ZBA. Let them make a determination. The ZBA would then get back to us. I don't know how the rest of the Planning Board members feel. What does the Board want to do?

Mr. Showalter: We could send them without recommendation.

Mr. Ruskiewicz: Yes.

Mr. Kennedy: Yes.

Mr. Bollenbach: Let the record reflect that there is a consensus from the Planning Board to refer the applicant to the ZBA "Without" recommendation.

Mr. Astorino: Ok. You are off to the ZBA. We will see you soon.

Kara-Marie Reyes-Rinaldi: Ok. Thank you.

Ramon Reyes: Thank you.

Connie Sardo: The next ZBA meeting is September 24, 2012. I would need your ZBA application submitted to me by September 3rd but that is a holiday. I would need your ZBA application submitted to me by September 4th by 9am so that I could process it for the September 24th ZBA meeting. If you have any questions about the ZBA application, stop at the office before September 3rd and we will work that out.

Kara-Marie Reyes-Rinaldi: Ok. Thank you.

Comment #7: The deed identifies that there are three owners of the property; all owners must sign the application form.

Comment #8: Metes and bounds information is shown and a surveyor of record is shown on the plans; the final plan will need to be signed/sealed by this surveyor.

Comment #9: Although the drawing submitted shows that this parcel is 2.001 acres, the Orange County Tax Map records show that this property is 1.8 acres; applicant to clarify.

Comment #10: Applicant to clarify if any external improvements will be made to the home.

Comment #11: Applicant to clarify water supply to two separate housing units.

Comment #12: Applicant to show septic system service on the plan.

Comment #13: A dye test should be conducted and witnessed by the Planning Board Engineer.

Comment #14: The configuration of the driveway must be revised to show that four cars can be parked without having to back out of the driveway. Cars must also be able to drive around a parked car in the front portion of the driveway to be used as more than one parking space.

Comment #15: Sight distances must be shown at the driveway entrance points; if any clearing is necessary, this shall be shown on the plan.

Comment #16: Provide a map note that the proposed construction or use shall not begin until the maps are signed by the Planning Board Chairman and appropriate Building Department permits are obtained.

Comment #17: Agricultural notes must be added to the plans.

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

Comment #19: Payment of all fees.

Normajean Fusco “Amended” Final Approval

Application for “***Amended***” Final Approval and Special Use Permit for a proposed 11-Lot + 1-Affordable Home cluster subdivision, situated on tax parcel S 18 B 1 L 31.2; parcel located on the southern side of Taylor Road with Jessup Road, in the RU zone, of the Town of Warwick. Original Final Approval was granted on, 7/21/10.

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

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 06/10/11 supports open space on a single lot, as was done with this subdivision.
4. Architectural Review Board comments:
5. OCPD: pending submittal
6. Confirmation that all notes about sectionalizing the plan have been removed.
7. Clarify that Open Space is included in Section 1 as part of Lot 1 (in the legend on Sheet 1 of 1).
8. A note should be added to the plans stating that there will be no temporary or permanent construction of any kind in the wetland area. This may require that the wetland area in the area of the crossings be clearly marked.
9. Lot 1 will retain the Open Space, but with deed restrictions; this verbiage must be agreed upon and placed on the plans by declaration.
10. Sheet 1, Note 27 (of the overall subdivision plan) shall be modified to include “...to Planning Board Attorney’s Specifications.”
11. Lot 1 will retain the Open Space, but with deed restrictions; this verbiage must be agreed upon and placed on the plans by declaration.
12. The technical bridge review comments that were included as conditions of the final approval will need to be satisfied for the bridge to Lots 12 and 13.
13. The declaration information for the Ridgeline and Agricultural Notes will need to be shown on the drawing.
14. A legal description and declaration for the dedication strip to the Town for highway purposes will need to be submitted.
15. Surveyor to certify that iron rods have been set at all property corners.
16. Payment of recreation fees.
17. Payment of all fees.

The following comment submitted by the Conservation Board, dated 8/15/12:

Normajean Fusco “Amended” Final Approval - The CB supports this amended application reducing the number of lots to 12 from 13.

The following comment submitted by the ARB:

Normajean Fusco “Amended” Final Approval – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board had issued a Negative Declaration prior to preliminary approval. The only situation that SEQR would need to be reopened is if there was a greater impact or a potential for adverse impact. The applicant is reducing a lot. So they are reducing impacts. SEQR does not need to be reopened.

Comment #2: Applicant to discuss project.

Dave Higgins: This was a 13-Lot subdivision that received Planning Board approval back in the year 2010. The property is located off Taylor Road and Jessup Road. The property is about 75 acres in size. The original approval was for 13 lots. Looking at the map, the farm lot basically encompassing the farmhouse up in here. Also the farm lot encompassing all of the preserved open space land from the outside. It was a private subdivision road. It had lots 2 through 11. Lot # 12 and Lot #13 were located in the rear of the property on the opposite side of the wetland area. Those lots were to be accessed through a shared driveway. The shared driveway through the Town's Regulations is to be a 16-foot wide paved driveway. We were to cross this wetland corridor without any wetland disturbance that required to be pretty substantial culverts. There have been some modifications made to the approval since we had done the Sectionalize Plan that we had applied to the Planning Board. That Sectionalize Plan would have basically split up these 2 lots, which was the farm lot and this entire lot on this map. Mrs. Fusco wanted to market these two properties. Unfortunately, with the economy problems, the market is not very strong. The cost of constructing the driveway and putting in the culverts became quite costly. What we would like to do now is eliminate the Sectionalizing Plan and go back to the original approval by having it all filed at one time and eliminating that 13th lot. It would be one big lot now. It would be one single lot, which would be lot 12. Lot 12 would be approximately 10 acres in size. The result of that is we would not have to put in a shared driveway. It would not have to be 16 feet wide. It would not have to be paved. We could use the existing crossing instead of putting in a \$130,000.00 concrete culvert. We would like to amend the original final approval by eliminating lot 13 and by adjoining that lot with lot 12.

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

Mr. McConnell: You would be removing that Sectionalizing Plan.

Dave Higgins: Yes. We want to go back to the original approval by filing the whole subdivision at one time and eliminating lot 13.

Mr. Astorino: Just for the record, I know that there was an illegal driveway or an opening on Jessup Road. We researched it. It is now blocked off.

Dave Higgins: Yes. What happened is that Normajeau still attends to the property. She has a staff that does the mowing and stuff. One of the tractors was stuck. This was off Jessup Road. In order to get the tractor out, they had to put in some stone off the edge of Jessup Road to get access to pull the tractor out. Since she received reports about the driveway, she removed the stone. It is no longer on Jessup Road.

Mr. Astorino: Ok.

Mr. Bollenbach: If it comes to be a point where she would like to have an access, she could make an application to the DPW for a driveway permit so that she could easily access the remainder of the open space.

Mr. Astorino: Right.

Mr. Showalter: That probably would not be a bad idea. They would be mowing it. They would be keeping it nice and clean.

Mr. Astorino: Just make an application to the DPW for a driveway entrance permit.

Dave Higgins: Ok.

Comment #3: Conservation Board comments: 06/10/11 supports open space on a single lot, as was done with this subdivision.

Comment #4: Architectural Review Board comments:

Comment #5: OCPD: pending submittal

Comment #6: Confirmation that all notes about sectionalizing the plan have been removed.

Dave Higgins: I thought you have received that. I don't know if there was any that you had found.

Laura Barca: I haven't found any yet. I just have that as a reminder.

Dave Higgins: Ok. We will double check to make sure.

Comment #7: Clarify that Open Space is included in Section 1 as part of Lot 1 (in the legend on Sheet 1 of 1).

Dave Higgins: I am not sure if that is a comment that was related to the prior Sectionalizing Plan.

Laura Barca: Yes. These were the comments that were carried over from the prior approval to make sure that we had not missed anything.

Mr. Astorino: Ok. We will list Comments 8-17 for the record. Dave, why don't you give Laura a call on anything that pertains to sectionalizing?

Dave Higgins: Ok.

Laura Barca: Ok.

Mr. Astorino: All of these comments are from before regardless. Some more comments were added for the Sectionalizing Plan. These seem to be more technical engineering comments.

Laura Barca: Right.

Mr. Bollenbach: This subdivision would now be 11-Lots + 1-Affordable Home.

Dave Higgins: Yes. It would be 12 Lots total.

Mr. Bollenbach: I am looking for the Affordable Home note.

Dave Higgins: That would be Lot 5.

Mr. Bollenbach: But which comment is that?

Mr. Astorino: Is the Affordable Home note on the map already?

Dave Higgins: Yes.

Mr. Bollenbach: But, it has to be filed with the Town Board. We will add a Comment #18. Provide Affordable Home declaration to the Planning Board Attorney's specifications. Then I could work that out with the Town Board.

Mr. Astorino: We would still need the formula for that regarding the cost, etc...

Mr. Bollenbach: Correct. Yes.

Dave Higgins: Did you say the Planning Board would need that or the Town Board?

Mr. Bollenbach: The Planning Board and the Town Board. I will take care of that.

Mr. Astorino: You will need to work with John on that regarding the cost of the Affordable Home and more.

Dave Higgins: Ok.

Comment #8: A note should be added to the plans stating that there will be no temporary or permanent construction of any kind in the wetland area. This may require that the wetland area in the area of the crossings be clearly marked.

Comment #9: Lot 1 will retain the Open Space, but with deed restrictions; this verbiage must be agreed upon and placed on the plans by declaration.

Comment #10: Sheet 1, Note 27 (of the overall subdivision plan) shall be modified to include "...to Planning Board Attorney's Specifications."

Comment #11: Lot 1 will retain the Open Space, but with deed restrictions; this verbiage must be agreed upon and placed on the plans by declaration.

Comment #12: The technical bridge review comments that were included as conditions of the final approval will need to be satisfied for the bridge to Lots 12 and 13.

Comment #13: The declaration information for the Ridgeline and Agricultural Notes will need to be shown on the drawing.

Comment #14: A legal description and declaration for the dedication strip to the Town for highway purposes will need to be submitted.

Comment #15: Surveyor to certify that iron rods have been set at all property corners.

Comment #16: Payment of recreation fees.

Comment #17: Payment of all fees.

Mr. Astorino: Do any Board Members or Professionals have any comments? John, does this need to be set for a public hearing?

Mr. Bollenbach: No. There are no significant changes. It is actually a lesser impact than before. It would be my recommendation that the Board waive the final public hearing.

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

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

Mr. Showalter makes a motion on the Normajejan Fusco application, granting , *“Amended”* Final Approval and Special Use Permit for a proposed 11-Lot + 1-Affordable Home cluster subdivision, situated on tax parcel S 18 B 1 L 31.2; parcel located on the southern side of Taylor Road with Jessup Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. The proposed subdivision was classified by the Town of Warwick Planning Board, acting as Lead Agency under the State Environmental Quality Review Act (SEQR), as a Type 1 Action. On September 2, 2009 the Planning Board issued a SEQR Negative Declaration on the action. Preliminary Approval was subsequently granted on September 2, 2009. Amended Final Approval is granted subject to the following conditions:

1. Confirmation that all notes about sectionalizing the plan have been removed.
2. Clarify that Open Space is included in Section 1 as part of Lot 1 (in the legend on Sheet 1 of 1).
3. A note should be added to the plans stating that there will be no temporary or permanent construction of any kind in the wetland area. This may require that the wetland area in the area of the crossings be clearly marked.
4. Lot 1 will retain the Open Space, but with deed restrictions; this verbiage must be agreed upon and placed on the plans by declaration.
5. Sheet 1, Note 27 (of the overall subdivision plan) shall be modified to include “...to Planning Board Attorney’s Specifications.”
6. Lot 1 will retain the Open Space, but with deed restrictions; this verbiage must be agreed upon and placed on the plans by declaration.
7. The technical bridge review comments that were included as conditions of the final approval will need to be satisfied for the bridge to Lots 12 and 13.
8. The declaration information for the Ridgeline and Agricultural Notes will need to be shown on the drawing.
9. A legal description and declaration for the dedication strip to the Town for highway purposes will need to be submitted.
10. Surveyor to certify that iron rods have been set at all property corners.
11. Provide Affordable Home Declaration to the Planning Board Attorney’s specifications.
12. Payment of recreation fees.
13. Payment of all fees.

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

****NOTE**** This list of conditions was subsequently found to not include many conditions contained in the Initial Approval and will be reconsidered on 9/19/12 by the Planning Board.

Dave Higgins: Thank you.

Rosemarie Schreibeis and Katherine Rea

Application for Final Approval of a proposed Lot Line Change, situated on tax parcels S 89 B 2 L 5, 6, & 7; parcels located on the northern side of Wheeler Road at the intersection with Hunt Drive, in the SL zone, of the Town of Warwick, County of Orange, State of New York. Preliminary Approval was granted on 6/15/11.

Representing the applicant: Kirk Rother, P.E.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 06/10/11 letter – no comments at this time; 08/13/12 letter – no comments at this time
4. Architectural Review Board comments: 05/31/11 email – no comments at this time
5. OCPD GML Review: 05/31/11 no advisory comments; 08/08/12 no advisory comments at this time.
6. Realty Subdivision from OCDOH is required because the lot configuration was previously reviewed and approved by OCDOH (08/10/73 filed map #3043, OCDOH signed drawings on 08/07/73 and 02/17/77 filed map #4023, OCDOH signed drawings on 02/02/77).
7. The soil tests for Lot 3 must be witnessed by OCDOH.
8. The well for Lot 1 does not appear to be shown; the location is now shown, but location does not appear to be shown on a previously filed map (as is stated in the map note on Sheet 1).
9. The Applicant should show the routing of the water line and electrical service for the proposed well on Lot 3 (only because of the obstacles located between the well and the home).
10. The notes for the proposed area to be transferred from Lot 2 to 3 and from Lot 3 to 2 appear to be reversed.
11. It would be helpful if the proposed lot lines were darker than the lines to be removed; this would help the Planning Board to better understand the future shape of these lots.
12. Provide a map note that the proposed construction or use shall not begin until the maps are signed by the Planning Board Chairman and appropriate Building Department permits have been obtained.
13. A separate description for each of the three lots must be submitted for review and then filed with the Orange County Clerk's Office.
14. Surveyor to certify that iron rods have been set at all property corners.
15. Payment of Recreational Fee for the residential use of Lot 3 (only one lot).
16. Payment of all fees.

The following comment submitted by the Conservation Board, dated 8/15/12:

Rosemarie Schreibeis and Katherine Rea – The CB has no comment on this proposed lot line change.

The following comment submitted by the ARB:

Rosemarie Schreibeis and Katherine Rea – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board had issued a Negative Declaration back in June of 2011 prior to granting the Preliminary Approval. SEQR has already been addressed.

Comment #2: Applicant to discuss project.

Kirk Rother: This application involves 3 existing parcels of land that was part of a filed subdivision that was created in 1973. There was one 7.6-acre parcel at the time that was stated as Parkland. Subsequent to that, I think the applicant had appeared before the Board in 1977. It was deemed that piece of land would not need to be parkland. It would be conjoined with one of the other lots. That never happened. At this point, we came back before the Board to have that 7.6-acre parcel deemed as a residential lot. It also required OCHD approval because the wells and septic were not reviewed as part of the original subdivision. While we are at it, we are doing some lot line changes with the other two pieces to cleanup some encroachments and make Lot #3 a little more buildable. We now have secured technical approval from the OCHD. The difference from that and the formal approval is the gentleman that signs the letters is on vacation until 8/20/12. As soon he is back from vacation, we will receive our formal approval. The substance of the plan has not changed since this Board had granted Preliminary Approval.

Comment #3: Conservation Board comments: 06/10/11 letter – no comments at this time; 08/13/12 letter – no comments at this time

Comment #4: Architectural Review Board comments: 05/31/11 email – no comments at this time

Comment #5: OCPD GML Review: 05/31/11 no advisory comments; 08/08/12 no advisory comments at this time.

Comment #6: Realty Subdivision from OCDOH is required because the lot configuration was previously reviewed and approved by OCDOH (08/10/73 filed map #3043, OCDOH signed drawings on 08/07/73 and 02/17/77 filed map #4023, OCDOH signed drawings on 02/02/77).

Mr. Astorino: We do have a sign-off letter in our possession.

Mr. Bollenbach: We will keep Comment #6 as a place saver.

Mr. Astorino: Yes. We have a letter. We will get the formal letter from them.

Comment #7: The soil tests for Lot 3 must be witnessed by OCDOH.

Kirk Rother: They were done.

Comment #8: The well for Lot 1 does not appear to be shown; the location is now shown, but location does not appear to be shown on a previously filed map (as is stated in the map note on Sheet 1).

Kirk Rother: Right now the well for Lot 1 was shown on Lot 2. There was a well location shown on the filed map. We have shown that on the plan. That well is to be drilled.

Laura Barca: What filed map was it shown on?

Kirk Rother: I think it is map #4038. You have to look really hard. It is a little circle. It is there. It is shown on the map. The OCHD has reviewed it. They are in agreement.

Mr. Astorino: Ok.

Comment #9: The Applicant should show the routing of the water line and electrical service for the proposed well on Lot 3 (only because of the obstacles located between the well and the home).

Kirk Rother: No problem.

Comment #10: The notes for the proposed area to be transferred from Lot 2 to 3 and from Lot 3 to 2 appear to be reversed.

Kirk Rother: Right.

Mr. Showalter: Has that been corrected?

Kirk Rother: Yes.

Mr. Showalter: Ok. Good.

Comment #11: It would be helpful if the proposed lot lines were darker than the lines to be removed; this would help the Planning Board to better understand the future shape of these lots.

Kirk Rother: I agree.

Comment #12: Provide a map note that the proposed construction or use shall not begin until the maps are signed by the Planning Board Chairman and appropriate Building Department permits have been obtained.

Kirk Rother: Ok.

Comment #13: A separate description for each of the three lots must be submitted for review and then filed with the Orange County Clerk's Office.

Kirk Rother: Yes.

Comment #14: Surveyor to certify that iron rods have been set at all property corners.

Kirk Rother: Yes.

Comment #15: Payment of Recreational Fee for the residential use of Lot 3 (only one lot).

Kirk Rother: Ok.

Comment #16: Payment of all fees.

Kirk Rother: Ok.

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

Kirk Rother: If the Board is comfortable with the plan and there has been no changes, we ask that the Board consider waiving the Final Public Hearing and granting Final Approval.

Mr. Astorino: I don't see a reason why not to. Everything is the same. I agree. Could someone make that motion?

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

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

Mr. Showalter makes a motion on the Rosemarie Schreibeis and Katherine Rea application, granting Final Approval of a proposed Lot Line Change, situated on tax parcels S 89 B 2 L 5, 6, & 7 parcels located on the northern side of Wheeler Road at the intersection of Hunt Drive, in the SL zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on June 15, 2011. Approval is granted subject to the following conditions:

1. Realty Subdivision from OCDOH is required because the lot configuration was previously reviewed and approved by OCDOH (08/10/73 filed map #3043, OCDOH signed drawings on 08/07/73 and 02/17/77 filed map #4023, OCDOH signed drawings on 02/02/77).
2. The soil tests for Lot 3 must be witnessed by OCDOH.
3. The well for Lot 1 does not appear to be shown; the location is now shown, but location does not appear to be shown on a previously filed map (as is stated in the map note on Sheet 1).
4. The Applicant should show the routing of the water line and electrical service for the proposed well on Lot 3 (only because of the obstacles located between the well and the home).
5. The notes for the proposed area to be transferred from Lot 2 to 3 and from Lot 3 to 2 appear to be reversed.
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7. Provide a map note that the proposed construction or use shall not begin until the maps are signed by the Planning Board Chairman and appropriate Building Department permits have been obtained.

8. A separate description for each of the three lots must be submitted for review and then filed with the Orange County Clerk's Office.
9. Surveyor to certify that iron rods have been set at all property corners.
10. Payment of Recreational Fee for the residential use of Lot 3 (only one lot).
11. Payment of all fees.

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

Kirk Rother: Thank you.

Masanda-Luft Properties, LLC. Sectionalizing Plan

Application for Preliminary Approval for filing a 22-Lot Cluster subdivision in Sections and an Application for Final Approval for Section I to consist of a proposed 4-Lot Cluster subdivision and Special Use Permit for the 2-Affordable Homes, situated on tax parcel S 26 B 1 L 110; parcel located on the northern side of Newport Bridge Road and at the intersection with Blooms Corners Road, in the RU zone, of the Town of Warwick. Original Final Approval was granted on, 4/16/08.

Representing the applicant: Kirk Rother, P.E.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 08/13/12 no comments
4. Architectural Review Board comments: pending
5. OCPD GML Review: 08/08/12 no advisory comments
6. OCDOH: comments on Sectionalized Plan
7. Applicant needs to submit a Sectionalized Plan for Section 1 and a separate plan for the balance of the subdivision.
8. Proposed roadways for Section 1 need to shown access and emergency turn around capability.
9. A revised SWPPP must be submitted for Section 1.
10. The Biodiversity Overlay should be added to the District Overlay Table.
11. 04/07/08 Condition 1: Revise proposed Town road typical section per the road pavement design.
12. 04/07/08 Condition 2: Provide landscaping at the border of the agricultural buffer per the Town Planner's specifications. Provide Agricultural Buffer Notes to the Planning Board Attorney's specifications.
13. 04/07/08 Condition 3: Provide supplemental screening landscaping, to the Town Planner's specifications, on Lots 1 and 12.
14. 04/07/08 Condition 4: Place a Private Road Note on the plans, to the Planning Board Attorney's specifications.
15. 04/07/08 Condition 5: Regarding Special Condition 100 (§164-46J(100)) – Affordable Housing: Applicant has submitted renderings, construction standards, and a marketing plan.
16. 04/07/08 Condition 6: Consistently label open space, not conservation easement.
17. 04/07/08 Condition 7: Applicant is requesting a special approval for a maximum road grade of 14% on Private Road 'B'. Board to consider.
18. 04/07/08 Condition 8: Extend property lines for lots along Private Road 'B' to centerline of road to Planning Board Attorney's specifications.
19. 04/07/08 Condition 9: Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at corners of open space.
20. 04/07/08 Condition 10: Provide copies of the NOI and the signed final SWPPP.
21. 04/07/08 Condition 11: Provide the declaration and the recording information on the plan for Agricultural Protection Notes, Private Road Notes, Private Road and Stormwater Management Facilities Use and Maintenance Agreement Notes, Open Space Notes, Radon Reduction Notes, and Affordable Housing Notes to Planning Board Attorney's specifications.

22. 04/07/08 Condition 12: Petition the Town Board to establish a Drainage District for the maintenance of stormwater management facilities.
23. 04/07/08 Condition 13: Provide irrevocable offer for road dedication for Road "A" for the Town Board's approval. Propose an acceptable road name and place on plans. Provide for the Planning Board Attorney's review, legal descriptions of dedication strip, drainage easements, stub road, and temporary cul-de-sac.
24. 04/07/08 Condition 14: Applicant to provide 9-1-1 addressing.
25. Applicant to confirm that the proposed 36-ft of 18-in pipe under the proposed roadway into the subdivision will still comply with NYSDEC and USACE requirements.
26. Applicant should make it clear what portion of the proposed roadway into the subdivision is being constructed now (Section 1) and what is will be proposed in later Sections. Perhaps the grading and drainage of the entire roadway should be completed now but the pavement width reduced for Section 1. It should be clear how Lots 1 and 12 will be accommodated during the complete build-out of the private roadway.
27. The cross section of the total private roadway should show the portion to be construction in each Section of the overall plan.
28. Provide a map note stating that the proposed construction or use shall not begin until the maps are signed the Planning Board Chairman and appropriate Building Department permits have been obtained.
29. 04/07/08 Condition 15: Pay Parkland Fees.
30. 04/07/08 Condition 16: Pay Construction Inspection Fee and Performance Bond for proposed Town road, Private road, Town road realignment, Stormwater Management Facilities, and Erosion control.
31. 04/07/08 Condition 17: Pay a Three-Year Landscape Maintenance Bond for Stormwater Pond Landscaping, Roadbed reclamation at Newport Bridge/Blooms Corners Roads intersection and street trees and mitigation plantings.
32. 04/07/08 Condition 18: Pay Outstanding Review Fees.

The following comment submitted by the Conservation Board, dated 8/15/12:

Masanda-Luft Properties, LLC. Sectionalizing Plan – The CB has no comments on this proposal.

The following comment submitted by the ARB:

Masanda-Luft Properties, LLC. Sectionalizing Plan – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has already issued a Negative Declaration on this application at the time of preliminary approval and final approval. There has been no changes. They are looking to do the subdivision in Sections. There is no need to reopen SEQR.

Comment #2: Applicant to discuss project.

Kirk Rother: Some of the Board might be familiar with the Luft subdivision. Some of the Board members might not be familiar with it. The Luft subdivision is a 24-Lot cluster subdivision situated on approximately 80 acres. It received conditional final approval back in April 2008. Since that time going through the approval process, this

project went through litigation with the neighbors. It went through an Article 78 proceeding. The Luft's are in contract of sale with a buyer. Due to the economy, they cannot follow through with it at this time. Mr. Luft has since passed away. Also, the family was in litigation with the son. They have settled that. There are payments due to the son to resolve that issue. What they would do is create and file the map in Sections. If they do that, hopefully they would be able to sell one or two lots and generate some revenue. There was one change made to the plan since it was granted final approval. Looking at the map that the Planning Board approved, all of this acreage belongs to this lot, lot #24. The Luft's granddaughter would like to buy the farmstead and try to make a go as farming it. She asked if there was a way that we could get her a little more acreage. We deleted this lot line. We added a lot line. The well, septic, house location, driveway, and the amount of open space are all identical.

Mr. Bollenbach: It actually makes it more practical.

Mr. Astorino: Sure.

Comment #3: Conservation Board comments: 08/13/12 no comments

Comment #4: Architectural Review Board comments: pending

Comment #5: OCPD GML Review: 08/08/12 no advisory comments

Comment #6: OCDOH: comments on Sectionalized Plan

Laura Barca: The OCHD does want to see the Sectionalizing Plan.

Mr. Astorino: Ok.

Comment #7: Applicant needs to submit a Sectionalized Plan for Section 1 and a separate plan for the balance of the subdivision.

Kirk Rother: Yes. Do you want it as two separate maps or could it be just one map?

Laura Barca: You could have Sheet 1 of 1 to show the Sectionalize Plan. Then you could have as many sheets you would need to show Section I. The end result is going to be that you would be getting conditional final approval for the Section 1 plan. You are going to retain preliminary approval of the Sectionalized Plan. It needs to be separate.

Kirk Rother: Ok. We will work that out.

Laura Barca: Ok.

Mr. Astorino: I wasn't at the Work Session. I just have a question. I know during the approval process, I believe the intersection between Newport Bridge Road and Blooms Corners Road was supposed to be taken care of before construction.

Mr. Bollenbach: That is supposed to be done prior to the issuance of the first C of O. I don't know if the Board wants to put that off. I don't know how substantial or necessary that improvement is for the addition of a lot.

Mr. McConnell: How many lots do we have in this section?

Mr. Astorino: There are 4 lots.

Mr. Bollenbach: There are a total of 4 lots. I believe two of the lots access off Blooms Corners Road.

Kirk Rother: Looking at the map, the intersection in question is the intersection here. There are 4 lots in this section. One lot has the existing farmhouse. The other one is this lot here where a majority of the traffic would turn left here. In reality, it would be these two proposed lots that would have traffic at this intersection.

Mr. Astorino: It is a bad intersection.

Mr. McConnell: Is it bad for two homes?

Mr. Astorino: That is where the Board has to make its decision. I don't want this to get lost in the Sectionalizing Plan. It does need to be addressed. I don't know if the Board wants to put it on hold here or wait for Section II.

Mr. Showalter: It should be done when they physically start the street.

Mr. Astorino: Ok. I just don't want it to get lost.

Mr. McConnell: We could also consider it when the 4th lot is done.

Mr. Astorino: Ok.

Mr. McConnell: We have a number of different options available. In my opinion, it is not necessary at this time.

Mr. Astorino: Right. I feel the same.

Mr. McConnell: The reason for the sectionalizing is to try to find a way to deal with the economy that we are dealing with.

Mr. Bollenbach: I will work something out with Laura. Maybe we would do that prior to issuance of the 4th C of O.

Mr. McConnell: No matter what section that it might be in.

Mr. Bollenbach: Yes.

Mr. Astorino: It could change. It would be Section I. Is that correct?

Mr. Bollenbach: No. It would be a subsequent section.

Laura Barca: No. Because there are 4 lots in the first section, one of them is the existing farmhouse.

Mr. Astorino: Ok. So, it would be Section II.

Laura Barca: It would potentially be the first house in Section II.

Mr. Astorino: Essentially, you are only adding two lots. Is that comment in these comments?

Laura Barca: I carried over all the conditions of the original approval. I don't see that in there.

Mr. Astorino: Laura, let's make a note of that so that we have that. We would have it as a place keeper for us.

Laura Barca: Right.

Comment #8: Proposed roadways for Section 1 need to shown access and emergency turn around capability.

Mr. Astorino: Is that only for those two lots?

Kirk Rother: What we are looking to do is a common driveway for those two lots. We are not looking to build a Town Road just for two lots. With the common driveway, if the Board still wants a turnaround for emergency vehicles, we could do that.

Mr. Bollenbach: Yes. You could do something at a smaller scale. You could have a K-Turn or something like that.

Kirk Rother: Ok. No problem.

Laura Barca: The other comment I have is that the applicant should make a decision now on whether they might want to do the initial grading and only pave the 16 feet. It is something that you and the applicant should think about.

Kirk Rother: I don't think we want to do that. We want to put in a little driveway as we can.

Laura Barca: Ok.

Comment #9: A revised SWPPP must be submitted for Section 1.

Mr. Astorino: That would be the low impact design.

Kirk Rother: Laura, is that true?

Mr. Astorino: Yes. It is true.

Laura Barca: Yes.

Kirk Rother: Is that a Town thing?

Laura Barca: Yes. It is a Town thing.

Kirk Rother: Ok.

Comment #10: The Biodiversity Overlay should be added to the District Overlay Table.

Kirk Rother: Ok.

Mr. Astorino: Ok. We will list Comments 11 through 32 for the record. They are the same comments back from the original approval. Do any Board members or Professionals have any comments?

Kirk Rother: What is next? I presume that we need to have a public hearing?

Mr. Astorino: No. We don't need to have a public hearing.

Mr. Bollenbach: No.

Mr. Astorino: You would have to get your information in. You are not proposing any changes.

Kirk Rother: I know that this Board on Phasing plans have reissued preliminary approval.

Mr. Astorino: That is on Sectionalizing Plans.

Kirk Rother: Yes. In order to go to the OCHD, we were supposed to have preliminary approval on the Sectionalizing Plan. How does that work?

Mr. Astorino: You will need to get to us a Revised SWPPP for Section I.

Kirk Rother: Ok.

Mr. Bollenbach: Have the Planning Board submit it. If the County won't accept it, all we could do is go and grant the approval in Sections and then submit it. Maybe Laura could call the County.

Laura Barca: I called the County today. I asked them if they want to see it. They said yes.

Kirk Rother: Ok. What you are saying is for us to clean it up and then come back.

Mr. Astorino: Yes.

Kirk Rother: Ok. Will do. Thank you.

Comment #11: 04/07/08 Condition 1: Revise proposed Town road typical section per the road pavement design.

Comment #12: 04/07/08 Condition 2: Provide landscaping at the border of the agricultural buffer per the Town Planner's specifications. Provide Agricultural Buffer Notes to the Planning Board Attorney's specifications.

Comment #13: 04/07/08 Condition 3: Provide supplemental screening landscaping, to the Town Planner's specifications, on Lots 1 and 12.

Comment #14: 04/07/08 Condition 4: Place a Private Road Note on the plans, to the Planning Board Attorney's specifications.

Comment #15: 04/07/08 Condition 5: Regarding Special Condition 100 (§164-46J(100)) – Affordable Housing: Applicant has submitted renderings, construction standards, and a marketing plan.

Comment #16: 04/07/08 Condition 6: Consistently label open space, not conservation easement.

Comment #17: 04/07/08 Condition 7: Applicant is requesting a special approval for a maximum road grade of 14% on Private Road 'B'. Board to consider.

Comment #18: 04/07/08 Condition 8: Extend property lines for lots along Private Road 'B' to centerline of road to Planning Board Attorney's specifications.

Comment #19: 04/07/08 Condition 9: Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at corners of open space.

Comment #20: 04/07/08 Condition 10: Provide copies of the NOI and the signed final SWPPP.

Comment #21: 04/07/08 Condition 11: Provide the declaration and the recording information on the plan for Agricultural Protection Notes, Private Road Notes, Private Road and Stormwater Management Facilities Use and Maintenance Agreement Notes, Open Space Notes, Radon Reduction Notes, and Affordable Housing Notes to Planning Board Attorney's specifications.

Comment #22: 04/07/08 Condition 12: Petition the Town Board to establish a Drainage District for the maintenance of stormwater management facilities.

Comment #23: 04/07/08 Condition 13: Provide irrevocable offer for road dedication for Road "A" for the Town Board's approval. Propose an acceptable road name and place on plans. Provide for the Planning Board Attorney's review, legal descriptions of dedication strip, drainage easements, stub road, and temporary cul-de-sac.

Comment #24: 04/07/08 Condition 14: Applicant to provide 9-1-1 addressing.

Comment #25: Applicant to confirm that the proposed 36-ft of 18-in pipe under the proposed roadway into the subdivision will still comply with NYSDEC and USACE requirements.

Comment #26: Applicant should make it clear what portion of the proposed roadway into the subdivision is being constructed now (Section 1) and what is will be proposed in later Sections. Perhaps the grading and drainage of the entire roadway should be completed now but the pavement width reduced for Section 1. It should be clear how Lots 1 and 12 will be accommodated during the complete build-out of the private roadway.

Comment #27: The cross section of the total private roadway should show the portion to be construction in each Section of the overall plan.

Comment #28: Provide a map note stating that the proposed construction or use shall not begin until the maps are signed the Planning Board Chairman and appropriate Building Department permits have been obtained.

Comment #29: 04/07/08 Condition 15: Pay Parkland Fees.

Comment #30: 04/07/08 Condition 16: Pay Construction Inspection Fee and Performance Bond for proposed Town road, Private road, Town road realignment, Stormwater Management Facilities, and Erosion control.

Comment #31: 04/07/08 Condition 17: Pay a Three-Year Landscape Maintenance Bond for Stormwater Pond Landscaping, Roadbed reclamation at Newport Bridge/Blooms Corners Roads intersection and street trees and mitigation plantings.

Comment #32: 04/07/08 Condition 18: Pay Outstanding Review Fees.

Lands of Mongelluzzo

Application for Final Approval of a proposed 2-Lot Cluster subdivision, situated on tax parcel S 31 B 2 L 44.32; parcel located on the southeasterly side of Ackerman Road 1200± feet off of the intersection of Kings Highway (County Highway 13); in the RU zone, of the Town of Warwick. Preliminary Approval was granted on, 11/21/07.

Representing the applicant: Kirk Rother, P.E.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 08/13/12 no comments.
4. Architectural Review Board comments: pending
5. OCPD GML Review: 08/08/12 should use better site design or low impact development to minimize stormwater
6. The ZBA variance has expired; it is shown on the plan as being granted on September 24, 2007. Applicant should clarify if variance is still required.
7. The tree line symbol goes through Ackerman Road; the Applicant should correct line.
8. It appears that there is a lot line between the two lots over the proposed driveway location; this portion of the lot line should be removed if the property line runs along the proposed driveway.
9. The proposed sight distance improvements should clarify what is necessary to provide the proper sight distance (i.e., if land grading is required it should be shown).
10. The 50-ft right-of-way along Ackerman Road should be shown.
11. Applicant should clarify the location of the topsoil stock pile area on the plans.
12. If a driveway swale is proposed, it should be shown on the plan, and the stormwater management to the Town Road should also be shown.
13. The soil test witnessing should state the Tectonic Engineering witnessed the soil testing.
14. The Orange County separation distances shown on the plan should be updated.
15. 9-1-1 information for the proposed lot needs to be shown on the plans.
16. The residential driveway cross-section detail shows reference to private roadway that should be removed.
17. The driveway cross-section detail shows that the driveway is 15-ft wide and the plan view shows only 10-ft wide. Applicant should revise the cross-section to show the 20-ft width of the driveway area to scale.
18. Construction and grading is tight with adjacent property; may need to move driveway further from neighbor's property to keep all grading on Applicant's property.
19. Show stationing on the driveway for Lot 2.
20. The hatching for the conservation area needs to stop before the proposed driveway for Lot 2.
21. Provide a map note stating that the proposed construction or use shall not begin until the maps are signed by the Planning Board Chairman and appropriate Building Department permits have been obtained.
22. The language for the Conservation Easement should be shown on the plan and recorded.
23. Declaration information for Agricultural Notes and the Conservation Easement should be shown on the plan.
24. Surveyor to certify that iron rods have been set at all property corners.
25. Payment of Recreational Fees for one lot.

26. Payment of all fees.

The following comments submitted by the Conservation Board, dated 8/15/12:

Lands of Mongelluzzo – The CB has no comments on this proposal.

The following comments submitted by the ARB:

Lands of Mongelluzzo – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board addressed SEQR and issued a Negative Declaration during preliminary approval back in the year 2007.

Comment #2: Applicant to discuss project.

Kirk Rother: The project is a proposed 2-Lot Cluster subdivision. It is situated on approximately 6-acres of land off Ackerman Road. The Mongelluzzo's have owned this property for a long time. They got caught with the changes in the Zoning. It was 2-acre zoning. It was increased to 4-acre zoning. There have been several alternatives in the plan over the years. The latest was they had to secure a R.O.W. over Entin Terrace which lies on the western side of the property. Entin Terrace is a Private Road. There might be half dozen homes on Entin Terrace right now. The road is in very good shape. It was paved by the Millennium Pipeline. The Planning Board had granted Preliminary Approval on this application back in 2007. It required a DEC Stream Crossing Permit. We had spent a lot of time on getting that permit. As part of the R.O.W. Agreement, the owner of Entin Terrace was in a contract to purchase a proposed lot with the Mongelluzzo's. He was unable to follow through with that transaction at this time. Now, they would prefer that the Mongelluzzo's would not access off Entin Terrace. What we would like to do is change our driveway entrance to avoid the stream crossing. We want to use the existing curb cut that is on Ackerman Road. I know there are concerns with sight distances on Ackerman Road. We are sharing the existing curb cut that is right there right now. We could put one more dwelling on it. We are proposing some improvements to the grading and the curb on Ackerman Road.

Mr. Astorino: Ok.

Comment #3: Conservation Board comments: 08/13/12 no comments.

Comment #4: Architectural Review Board comments: pending

Comment #5: OCPD GML Review: 08/08/12 should use better site design or low impact development to minimize storm water.

Comment #6: The ZBA variance has expired; it is shown on the plan as being granted on September 24, 2007. Applicant should clarify if variance is still required.

Mr. Astorino: That was a 280a variance. That variance doesn't apply anymore. Are these comments from the existing approval?

Laura Barca: Yes. I kept that. They say they are not going through Entin Terrace. I kept that just as a reminder just in case if they decide to change back.

Mr. Astorino: Ok. I guess the issue on Ackerman Road is the sight distance. That would be something you would have to work out with Laura to make sure there is adequate sight distance.

Laura Barca: Right.

Mr. Astorino: That is a dangerous spot there.

Laura Barca: He shows it on the plan on what area would have to be cleared to obtain adequate sight distance. I was looking to see if the Planning Board was ok with it as we move forward to see might be required. Would it be tree removal and grading? Where would the Town's R.O.W. be to make sure all of that grading or whatever has to happen. It is within the Town's R.O.W. If not, someone would have to coordinate with the landowner. We would have to coordinate with the landowner anyway.

Mr. Bollenbach: Maybe the applicant might have to require additional R.O.W's so that they could obtain their site distance.

Mr. Astorino: We would have to know exactly what we would need for the sight distance.

Kirk Rother: We were out there. The sight distance for our driveways that are running outside the curb are actually ok. We are trying to mitigate the Town Road problem. If you stand out of our driveway and you look left and right, they do meet the sight distance criteria.

Mr. Astorino: As far as a vehicle pulling out?

Kirk Rother: Yes.

Mr. Astorino: Then prove it to us.

Mr. Bollenbach: Also, if there is any additional mitigation that the Board deems is necessary to try to mitigate and meet the existing conditions. You will be adding some additional traffic.

Mr. Astorino: Ok. That would be something that we would have to discuss. Laura, are there any comments here that stand out to you?

Laura Barca: No.

Mr. Astorino: Ok. We will list Comments 7 through 26 for the record. Do any Board members have any comments or questions?

Kirk Rother: Does this application require a public hearing?

Mr. Bollenbach: Yes. There was some public controversy the last time.

Kirk Rother: Yes.

Mr. Astorino: Ok. We will set this for a public hearing.

Mr. McConnell makes a motion to set the Lands of Mongelluzzo application for a Final Public Hearing at the next available agenda.

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

Mr. Astorino: Kirk, get all the stuff in for the sight distance. We would then go from there.

Kirk Rother: Ok. Thank you.

Comment #7: The tree line symbol goes through Ackerman Road; the Applicant should correct line.

Comment #8: It appears that there is a lot line between the two lots over the proposed driveway location; this portion of the lot line should be removed if the property line runs along the proposed driveway.

Comment #9: The proposed sight distance improvements should clarify what is necessary to provide the proper sight distance (i.e., if land grading is required it should be shown).

Comment #10: The 50-ft right-of-way along Ackerman Road should be shown.

Comment #11: Applicant should clarify the location of the topsoil stock pile area on the plans.

Comment #12: If a driveway swale is proposed, it should be shown on the plan, and the stormwater management to the Town Road should also be shown.

Comment #13: The soil test witnessing should state the Tectonic Engineering witnessed the soil testing.

Comment #14: The Orange County separation distances shown on the plan should be updated.

Comment #15: 9-1-1 information for the proposed lot needs to be shown on the plans.

Comment #16: The residential driveway cross-section detail shows reference to private roadway that should be removed.

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Comment #18: Construction and grading is tight with adjacent property; may need to move driveway further from neighbor's property to keep all grading on Applicant's property.

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Comment #20: The hatching for the conservation area needs to stop before the proposed driveway for Lot 2.

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Comment #22: The language for the Conservation Easement should be shown on the plan and recorded.

Comment #23: Declaration information for Agricultural Notes and the Conservation Easement should be shown on the plan.

- Comment #24: Surveyor to certify that iron rods have been set at all property corners.
- Comment #25: Payment of Recreational Fees for one lot.
- Comment #26: Payment of all fees.

Other Considerations:

1. **Edsall Farm Subdivision** – Letter from Anthony Trochiano, P&P Engineering, dated 8/7/12 addressed to the Planning Board in regards to the Edsall Farm Subdivision – requesting a 6-Month Extension on Final Approval of a proposed 4-Lot subdivision, situated on tax parcel SBL # 2-2-35.22; parcel located on both sides of C.H. 88 west of C.R. 1, in the SL/AI zones, of the Town of Warwick. Final Approval was granted on, 3/7/12. *The applicant has stated that they are currently preparing the conservation easement mapping concurrently with the final approval and filing of the Edsall Farm Subdivision.* The 6-Month Extension becomes effective on, 9/7/12.

Mr. Kennedy makes a motion on the Edsall Farm Subdivision, granting a 6-Month Extension on Final Approval for a proposed 4-Lot subdivision. SBL # 2-2-35.22. Conditional Final Approval was granted on, 3/7/12.

The 6-Month Extension becomes effective on, 9/7/12.

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

2. Planning Board Minutes of 8/1/12 for Planning Board's Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 8/12/12.

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

Correspondences:

Mr. Astorino: We have a flyer from Sustainable Warwick. They will be holding an informational forum on Fracking the Pros and Cons. It is to be held on September 20, 2012 from 7-9 p.m. at Town Hall. If anyone is interested in going, you are welcome to go.

Privilege Of The Floor For Agenda Items!!

Mr. Astorino: Is there anyone in the audience wishing to address any of the agenda items? Let the record show no public comment.

Mr. McConnell: Mr. Chairman, I have something to ask that is not an agenda item. Is this the appropriate time to ask?

Mr. Astorino: You could ask something at any time.

Mr. McConnell: Ok. I was approached by a citizen whom is interested in a home business permit. He was telling me that the application and the process might cost him as much as \$3,500.00. I was surprised that it would be that expensive.

Mr. Bollenbach: It would all depend what it is. It would depend on if it would be a Class 1 Home Occupation or a Class 2 Home Occupation. If it was to be a Class 1 Home Occupation, I believe that would be about \$100.00.

Mr. McConnell: What is a Type 1 Home Occupation?

Mr. Bollenbach: Take a look at Home Occupations in the Zoning Code. There are certain thresholds as to whether or not it is compatible with the residential character of the neighborhood. A lot of the thresholds depend on how much truck traffic trips per day, how many employees they would have, etc... It all depends on what they are having.

Mr. McConnell: This is for a repair of lawnmowers. I am not expecting truck traffic. I would be happy to discuss it with you after the meeting.

Mr. Bollenbach: Ok.

Mr. McConnell makes a motion to adjourn the August 15, 2012 Planning Board Meeting.

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