

TOWN OF WARWICK PLANNING BOARD

August 17, 2011

Members present: Chairman, Benjamin Astorino
Russell Kowal, Dennis McConnell
Roger Showalter, Beau Kennedy
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 17, 2011 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:

Thomas Zoufaly Lot Line Change

Application for Sketch Plat Review & Final Approval for a proposed Lot Line Change, situated on tax parcels S 31 B 2 L 66.13 and L 93.2; parcels located on the northern side of Sleepy Valley Road 2,200 feet south of West Ridge Road, in the RU Zone, of the Town of Warwick. Continued from the 5/4/11 Planning Board Meeting.

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

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 08/11/11 no comments at this time.
4. Architectural Review Board comments: 04/27/11 no comments at this time.
5. OCPD GML Review: 05/13/11 no advisory comments
6. All language from the ZBA approval must be added to the plan set.
7. A shared driveway agreement for the driveways on lots 31-2-93.2 and 31-2-66.13 should be submitted; both are currently owned by Thomas Zoufaly.
8. The declaration information for the Agricultural and Ridgeline Notes will need to be shown on the drawing.
9. Surveyor to certify that iron rods have been set at all property corners.
10. Payment of all fees.

The following comment submitted by the Conservation Board, dated 8/17/11:

Thomas Zoufaly Lot Line Change: The CB has no comments.

The following comment submitted by the ARB:

Thomas Zoufaly Lot Line Change: None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The applicant has submitted a short EAF. It is an Unlisted Action. There are no other involved agencies. The Planning Board could go ahead and declare itself Lead Agency.

Mr. McConnell makes a motion for Lead Agency.

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

617.6

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

Name of Action: Zoufaly Re-Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by Thomas Zoufaly for a \pm 1.643 acre parcel of land located at 88 Sleepy Valley Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 3-29-11 was submitted at the time of application, and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is an Unlisted action, and

Whereas, the Planning Board has determined that the proposed project is not within an agricultural district and, therefore, the requirements of 6 NYCRR 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 itself Lead Agency for the review of this action.

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

Comment #2: Applicant to discuss project.

Karen Emmerich: There are two properties. One lot fronts on Sleepy Valley Road. The other lot fronts on Fern Place. We are shifting the lot line over. He wants to make the lots more evenly sized. There are two sheds/barns that are located on the other lot. He would like those two sheds/barns be placed primarily on his residential lot, which is the Sleepy Valley Road lot.

Comment #3: Conservation Board comments: 08/11/11 no comments at this time.

Comment #4: Architectural Review Board comments: 04/27/11 no comments at this time.

Comment #5: OCPD GML Review: 05/13/11 no advisory comments.

Comment #6: All language from the ZBA approval must be added to the plan set.

Karen Emmerich: Yes.

Comment #7: A shared driveway agreement for the driveways on lots 31-2-93.2 and 31-2-66.13 should be submitted; both are currently owned by Thomas Zoufaly.

Karen Emmerich: Yes.

Mr. Bollenbach: We will need to add to comment #7. Provide deed for the lot line change with the Recording information to be placed on the map.

Comment #8: The declaration information for the Agricultural and Ridgeline Notes will need to be shown on the drawing.

Karen Emmerich: Ok.

Comment #9: Surveyor to certify that iron rods have been set at all property corners.

Karen Emmerich: Ok.

Comment #10: Payment of all fees.

Karen Emmerich: Yes.

Mr. Bollenbach: Karen, who will the attorney be that would be preparing the deeds and declaration?

Karen Emmerich: Bill Nathan.

Mr. Bollenbach: Ok.

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

Karen Emmerich: We request to waive the public hearing.

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

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

Mr. McConnell makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: Zoufaly Re-Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed lot line alteration, Town of Warwick, Orange County, New York, and

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

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 3-29-11, 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. Kowal makes a motion on the Thomas Zoufaly application, granting Final Approval for a proposed Lot Line Change, situated on tax parcels S 31 B 2 L 66.13 and L 93.2; parcels located on the northern side of Sleepy Valley Road 2,200 feet south of West Ridge Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on August 17, 2011. Approval is granted subject to the following conditions:

1. All language from the ZBA approval must be added to the plan set.
2. A shared driveway agreement for the driveways on lots 31-2-93.2 and 31-2-66.13 should be submitted; both are currently owned by Thomas Zoufaly. Provide Deed for Lot Line Change with Recording information to be placed on map.
3. The declaration information for the Agricultural and Ridgeline Notes will need to be shown on the drawing.
4. Surveyor to certify that iron rods have been set at all property corners.
5. Payment of all fees.

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

Karen Emmerich: Thank you.

Verizon Wireless/15 Pysners Peak – Bellvale

Application for Site Plan Approval for the construction and use of an Unmanned wireless communications facility to install and operate its equipment by co-locating (12) additional antennas at centerline height of 195'± on an existing 223'± telecommunications tower and proposes to install a pre-fabricated 12'x30' accessory shelter at the base of the tower and within the existing secure, fenced compound, as well as appurtenant cabling and utilities, situated on tax parcel S 58 B 1 L 18.22; project located on the eastern side of Pysners Peak 690± feet north of State Highway 17A (15 Pysners Peak), in the MT zone, of the Town of Warwick. Continued from the 11/3/10 Planning Board Meeting.

Representing the applicant: Scott Olson from Cooper & Savage Law Firm. Mike Orchard, Tectonic Engineering.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 08/11/11 letter - No comments at this time.
4. Architectural Review Board comments: 10/27/10 email - No comments at this time.
5. Wireless Telecommunication Facility Board comments: pending
6. OCPD: 11/12/10; no advisory comments.
7. Global Tower Special Use renewal has received conditional final approval, but not all of the conditions have been satisfied to date.
8. The Applicant should provide letter of consent from the owner of the Tower stating that the applicant has the legal right to install and use the facility mount (pending Planning Board attorney review).
9. To accompany the RF analysis, a table listing the addresses of all existing and proposed Verizon sites in the search area is requested. The type of wireless facility (in terms of co-location on an existing tower; co-location on another existing structure; new tower) and proposed antenna height should be provided for all proposed Verizon facilities. The type of wireless facility (tower; other existing structure) and antenna height should be listed for all existing Verizon sites.
10. Notes have been added to Sheet T-1; applicant to submit color & texture samples; proposed building is 12' x 30'.
11. Any proposed modifications to the Verizon facility (if constructed) will require the appropriate notification, consent, and approvals of the Town of Warwick prior to implementation. It is recommended that the RF calculations be revised and reviewed for any future proposal to alter the Verizon antenna configuration at the site.
12. It is recommended that the assumptions made by Verizon's structural engineer be confirmed and missing information (e.g., original tower manufacturer; foundation analysis; details of the April 2009 tower mapping that was reportedly completed) be provided to the Town's satisfaction.
13. The application states that there are currently no easements on the property. This Application proposes an easement to benefit Lessee over a 30-ft wide access and utility easement. Applicant to verify that Lessee specifically includes Verizon.

14. Lighting on Sheet C-5. Additional information is required as per §164-43.4. Information required includes fixture wattage (§164-43.4C(1)(a), catalog cuts (§164-43.4C(1)(b), shielding (§164-43.4C(3), and time controls (§164-43.4C(7). It is suggested that the lighting fixture be installed with a motion sensor, to avoid the unnecessary lighting of an un-manned facility. All lighting details and notes must be added to the plan.
15. §164-78A(1) and (4) requires camouflage for the proposed antenna and accessory equipment shelter. It is unclear what the Applicant is proposing for camouflage. Notes have been added to Sheet T-1.
16. The Applicant should provide a color sample of the equipment structure (must be less than 60% reflectivity).
17. Sheet C-4 contains details for the concrete pad and gravel; Applicant to verify where gravel will be located and if any disturbed areas will need to be re-seeded.
18. On Sheet C-4, the single gate detail shows barbed wire on top of the fencing and gate; barbed wire is discouraged in the Town of Warwick §164-41.C.(4)(f).
19. On Sheet C-5, the equipment elevations detail, the material and size of the poles and how they are installed into the ground should be clarified.
20. On sheets C-1 and/or C-4, the location of the silt fencing should be shown or noted.
21. Sheet C-1, the following typical site plan features should be called out: the surface material of the existing road(s), the existing drainage features, and the newly installed gate to access the tower.
22. Proper documentation will be required for the proposed Lessee access and utility easement and the Verizon easement for the accessory equipment shelter. The Applicant needs to supply Town with Verizon's lease agreement.
23. Applicant to confirm that building is a maximum of 10-ft tall (Global Tower agreement with Dept of Interior).
24. The declaration information for Private Roadway Notes, the Ridgeline Overlay Notes, and Global Tower's agreement with the Department of the Interior must be added to the drawings.
25. Payment of all fees.
26. A building department permit will be required after planning board approval and prior to construction.

The following comment submitted by the Conservation Board, dated 8/17/11:

Verizon / 15 Pysners Peak – The CB has no comments.

The following comment submitted by the ARB:

Verizon / 15 Pysners Peak – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board had already adopted a resolution classifying it as a Type 2 Action. No further review is necessary under SEQR.

Comment #2: Applicant to discuss project.

Scott Olson: It is a simple co-location. We are looking to put up 12 additional antennas on a 190-foot tower. We said earlier that the tower is 223 feet tall. We also want to install a pre-fabricated 12'x30' equipment shelter at the base of the tower. We are not

expanding or increasing the height of the tower. We are not expanding the existing compound. Regarding the compound, I brought samples for the Board of various different types of exteriors that could be used. We typically use the one that we circled. It is called sunset.

Mr. Bollenbach: Does that have a light reflectivity number on there?

Scott Olson: I don't believe it has it.

Mr. Bollenbach: Take a look at the color codes. Usually a portion of it indicates how reflective it is.

Mr. Astorino: We will hold onto the samples.

Scott Olson: We gave you photographs of a typical shelter that we use.

Mr. Bollenbach: How tall is the proposed equipment structure?

Scott Olson: It is 10 feet tall.

Mr. Bollenbach: I just wanted to confirm that.

Mr. McConnell: If that picture isn't of this, then what use is that picture?

Mr. Astorino: Is that what the building would look like?

Mike Orchard: Recently, Verizon had changed their shelter manufacturer. They weren't able to get this identical color on time for this meeting. This would be the preferred color.

Mr. McConnell: Ok. It is just like this one, but different.

Mike Orchard: Correct.

Mr. McConnell: When would we have a sample of the actual?

Mike Orchard: I could have that in a couple of days.

Comment #3: Conservation Board comments: 08/11/11 letter - No comments at this time.

Comment #4: Architectural Review Board comments: 10/27/10 email - No comments at this time.

Comment #5: Wireless Telecommunication Facility Board comments: pending

Comment #6: OCPD: 11/12/10; no advisory comments.

Mr. Astorino: Laura, did you take a look at the new plans that were submitted?

Laura Barca: Yes.

Mr. Astorino: A lot of these comments you had taken off. Is that correct?

Laura Barca: Yes. Some of them. Comment #7 is very important. Global Tower is the tower owner. Their Special Use is painfully close to being done.

Comment #7: Global Tower Special Use renewal has received conditional final approval, but not all of the conditions have been satisfied to date.

Mr. Astorino: Comment #7 can stay.

Laura Barca: Comment # 8 and #9 are complete.

Mr. Astorino: Ok. We can strike comments # 8 and # 9.

Comment #8: The Applicant should provide letter of consent from the owner of the Tower stating that the applicant has the legal right to install and use the facility mount (pending Planning Board attorney review).

Comment #9: To accompany the RF analysis, a table listing the addresses of all existing and proposed Verizon sites in the search area is requested. The type of wireless facility (in terms of co-location on an existing tower; co-location on another existing structure; new tower) and proposed antenna height should be provided for all proposed Verizon facilities. The type of wireless facility (tower; other existing structure) and antenna height should be listed for all existing Verizon sites.

Comment #10: Notes have been added to Sheet T-1; applicant to submit color & texture samples; proposed building is 12' x 30'.

Laura Barca: We just talked about that regarding the color and texture samples. That is not complete yet.

Mr. Astorino: It is not complete. That is something we would have to decide on.

Laura Barca: Right. I believe that the building is 12'x20'. But, the concrete pad is 12'x30'.

Mr. Astorino: That pad is still part of the structure. Is that correct?

Laura Barca: Yes.

Mr. Astorino: We will leave it as a 12'x30' structure.

Laura Barca: Ok. Comment #11 is complete.

Comment #11: Any proposed modifications to the Verizon facility (if constructed) will require the appropriate notification, consent, and approvals of the Town of Warwick prior to implementation. It is recommended that the RF calculations be revised and reviewed for any future proposal to alter the Verizon antenna configuration at the site.

Mr. Astorino: We will strike comment #11.

Comment #12: It is recommended that the assumptions made by Verizon's structural engineer be confirmed and missing information (e.g., original tower manufacturer; foundation analysis; details of the April 2009 tower mapping that was reportedly completed) be provided to the Town's satisfaction.

Scott Olson: Yes. Since our letter of submittal from last week, we received additional information from the tower's owner. We will submit that information.

Comment #13: The application states that there are currently no easements on the property. This Application proposes an easement to benefit Lessee over a 30-ft wide access and utility easement. Applicant to verify that Lessee specifically includes Verizon.

Mr. Bollenbach: There are easements right-of-ways on the entire property. There are 4 additional residential parcels that benefit some. We will have to correct that in the application.

Comment #14: Lighting on Sheet C-5. Additional information is required as per §164-43.4. Information required includes fixture wattage (§164-43.4C(1)(a), catalog cuts (§164-43.4C(1)(b), shielding (§164-43.4C(3), and time controls (§164-43.4C(7). It is suggested that the lighting fixture be installed with a motion sensor, to avoid the unnecessary lighting of an un-manned facility. All lighting details and notes must be added to the plan.

Laura Barca: Comment #14 and #15 are satisfied.

Mr. Astorino: We can strike comment #14.

Comment #15: §164-78A(1) and (4) requires camouflage for the proposed antenna and accessory equipment shelter. It is unclear what the Applicant is proposing for camouflage. Notes have been added to Sheet T-1.

Mr. Astorino: We can strike comment #15.

Comment #16: The Applicant should provide a color sample of the equipment structure (must be less than 60% reflectivity).

Mr. Astorino: We have the color samples. Let comment #16 stay.

Mr. Bollenbach: Laura, maybe you could look at the samples that we have here. Maybe we could strike the ones that don't comply with the code.

Laura Barca: Ok.

Comment #17: Sheet C-4 contains details for the concrete pad and gravel; Applicant to verify where gravel will be located and if any disturbed areas will need to be re-seeded.

Laura Barca: Comment #17 is complete.

Mr. Astorino: We can strike comment #17.

Comment #18: On Sheet C-4, the single gate detail shows barbed wire on top of the fencing and gate; barbed wire is discouraged in the Town of Warwick §164-41.C.(4)(f).

Laura Barca: The single gate detail that is provided shows barbed wire on the top. The applicant had said they are proposing them because that is what matches the existing.

Mr. Astorino: You don't need the barbed wire.

Scott Olson: We don't need the barbed wire.

Mr. Astorino: The gate is installed already. Is that correct?

Scott Olson: Yes.

Mr. Astorino: We don't need the barbed wire. Is that correct?

Laura Barca: No. That was my point.

Mr. Astorino: Comment #18 is satisfied. Correct?

Mike Orchard: There is barbed wire already there.

Laura Barca: No. This isn't the gate where the pavement ends. This is the gate over by the compound. Has that gate been installed yet? This is not the gate on the road. This is the gate to get into where the shelter is going to be.

Scott Olson: If the Town doesn't want the barbed wire, we don't have to have it.

Mr. Astorino: If it is there already, that is fine. I thought it was on the new gate.

Mr. Bollenbach: It is being used for security.

Laura Barca: Ok. Comment #18 is satisfied.

Mr. Astorino: We can strike comment #18.

Comment #19: On Sheet C-5, the equipment elevations detail, the material and size of the poles and how they are installed into the ground should be clarified.

Laura Barca: Comment #19 is satisfied.

Mr. Astorino: We can strike comment #19.

Comment #20: On sheets C-1 and/or C-4, the location of the silt fencing should be shown or noted.

Laura Barca: Comment #20 is satisfied.

Mr. Astorino: We can strike comment #20.

Comment #21: Sheet C-1, the following typical site plan features should be called out: the surface material of the existing road(s), the existing drainage features, and the newly installed gate to access the tower.

Laura Barca: The trench drain is shown in the wrong location.

Mr. Astorino: It is installed already.

Laura Barca: It is installed already, but it is shown on the plans in the wrong location.

Scott Olson: Ok. We identified it on the map in the wrong location.

Laura Barca: Yes.

Scott Olson: We will fix that.

Mr. Astorino: Comment #21 can stay.

Comment #22: Proper documentation will be required for the proposed Lessee access and utility easement and the Verizon easement for the accessory equipment shelter. The Applicant needs to supply Town with Verizon's lease agreement.

Scott Olson: I could get you a copy.

Mr. Bollenbach: Just get us a copy for our files so that we have it. There is also an Authorization from Global Tower for you to proceed.

Scott Olson: I think we have given that to you in our application. I will double check that.

Mr. Bollenbach: Ok.

Comment #23: Applicant to confirm that building is a maximum of 10-ft tall (Global Tower agreement with Dept of Interior).

Scott Olson: It is 10 feet tall.

Laura Barca: Ben, should we have a note on the plan that the building will not exceed the maximum height of 10 feet tall?

Mr. Astorino: Yes. Put a note on the plan stating the maximum is 10 feet tall.

Scott Olson: Ok.

Comment #24: The declaration information for Private Roadway Notes, the Ridgeline Overlay Notes, and Global Tower's agreement with the Department of the Interior must be added to the drawings.

Scott Olson: Yes.

Comment #25: Payment of all fees.

Scott Olson: Yes.

Comment #26: A building department permit will be required after planning board approval and prior to construction.

Scott Olson: Yes.

Mr. Astorino: Does the Board or Professionals have anything further? Do you request to be set for a public hearing?

Scott Olson: Yes.

Mr. McConnell makes a motion to set the Verizon Wireless/15 Pysners Peak application for a Public Hearing at the next available agenda.

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

Scott Olson: Would that be for the September meeting?

Connie Sardo: You would have to resubmit your information to us that we need first. The next submittal deadline is 8/31/11 for the 9/21/11 Planning Board meeting. If you submit your stuff by 8/31/11, that would put you on the 9/21/11 Planning Board meeting.

Scott Olson: Ok. Thank you.

Sunland Limited Timber Harvest / Schreibeis

Application for Site Plan Approval for a ***Timber Harvest Permit***, situated on tax parcel S 58 B 1 L 101; project located on eastern side of Bellvale Lakes Road 1,100 feet north of Kane Road, in the MT zone, of the Town of Warwick.

Representing the applicant: Rob Schreibeis, Jr., Applicant.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments – 08/11/11
 - a. concerns about erosion control and surface water runoff
 - b. recommends water bars be placed along the steep section of roadway from the lower crossing of the pipeline to the area being used as a turnip field
 - c. recommends that an adequate stone base material be installed to prevent soil disturbance and possible erosion
4. Architectural Review Board comments – 08/15/11 no comments received to date.
5. OC Planning Department – pending
6. The Applicant's Consultant Forester, Christopher Prentis is listed as a Consultant Forester in NYSDEC's Directory of Cooperating Foresters. Each person in this directory has at least a Bachelor's degree in forest management or similar accredited degree and has agreed to meet the standards of professional conduct and responsibilities.
7. §164-47.10.D.(2) exempts Forestry that is conducted in a manner consistent with the timber harvesting guidelines, as defined by NYSDEC. Landing areas and log haul roads are subject to §164-47.10. If Applicant is in compliance with NYSDEC Best Management Practices, Applicant is considered to be in compliance with §164-47.10.
8. The proposed landing areas and haul roads will be disturbing more than 0.25 acre; Applicant must obtain a building department permit in accordance with §150-4.
9. A stabilized construction entranceway shall be installed at the entrance to Bellvale Lakes Road; a detail shall be provided.
10. The logging road is an existing farm road; however Applicant should show a cross section detail of the steeper slopes (NYSDEC BMP Figures 2 and 3).
11. The Applicant should provide a written agreement that it is acceptable to cross the gas line easement.
12. The forester and logger must sign a notarized letter stating that they have read and understanding Town of Warwick Town Code §150 and agreement to comply with NYSDEC Best Management Practices.
13. The Timber Harvest Report should be dated and revised to include the following:
 - a. Clarify that stumps are not being removed at this time.
 - b. Clarify that the hand-clearing of the grape vines and bittersweet vines will be conducted within the 48 acres
 - c. State that the 48 acres of selective tree harvest has been flagged in the field with pink ribbon.
 - d. State that the top portions of the trees will remain.
 - e. Identify a maximum height of the branch pile remaining.
 - f. State that no streams or wetlands are in the areas being harvested or crossed to access those areas.

14. A daily report must be completed and submitted within 3 days to the Planning Board Engineer. The daily report must contain the following information:
 - a. Number and species of trees removed from site.
 - b. Identify if trees are sawtimber, firewood, or cull.
 - c. Estimate of sawtimber removal in board feet.
 - d. Estimate of firewood removal in cord.
15. The following notes and information must be prepared and signed by the Applicant, the logger, and the forester:
 - a. No trees will be stored by municipal roads.
 - b. Work will not be conducted when the weather (e.g., rain, snow/ice, etc.) does not permit working without causing excessive erosion or rutting of the log roads.
 - c. All work must be conducted in compliance with New York State Department of Environmental Conservation Best Management Practices.
 - d. All work must be in compliance with Town of Warwick Town Code §164-47.10.
 - e. Skids trails will not exceed a slope of 25% for a distance greater than 300-ft.
 - f. Water bars will be installed as necessary to divert or slow water movement on exposed road surfaces.
 - g. Skid trails will be cleared of debris, smoothed, and water bars installed after all trees have been removed.
 - h. Skid trails will be seeded with perennial grasses in accordance with the detail shown.
 - i. A detail for topsoil and seeding of all disturbed areas.
 - j. Loading areas will also be smoothed and seeded at the end of the harvest.
16. A reclamation bond in the amount of \$3,000 shall be provided until all areas have been stabilized in accordance with the following NYSDEC definition of Final Stabilization: “all soil disturbance activities have ceased and a uniform, perennial vegetative cover with a density of 80% over the entire previous surface has been established; or other equivalent stabilization measures, such as permanent landscape mulches, rock rip-rap or washed/crushed stone have been applied on all disturbed areas that are not covered by permanent structures, concrete or pavement.” (GP-0-10-001, Appendix A).
17. Establish an inspection schedule and escrow account for Planning Board Engineer to conduct inspections at the site.
18. Payment of all fees.

The following comment submitted by the Conservation Board, dated 8/17/11:

Sunland Limited Timber Harvest/Schreibeis - The CB is concerned about erosion control and surface water runoff in this unusually steep property. While the site visit on 8/8/11 took place after a short downpour, the site should be able to withstand prolonged heavy rain as is occasionally experienced in our region. In particular, the CB recommends water bars be constructed and maintained along that section of the roadway that extends from the lower crossing of the gas pipeline easement up to the area being currently used as a turnip field. This section of unimproved road runs nearly straight uphill and presents the greatest potential for erosion as the timber vehicle (“forwarder”), laden with timber, traverses it. The CB also recommends that during the periodic inspections by the town engineer, close attention be paid to the condition of this stretch of the logging road to determine if repeated use causes deterioration of the soil base that may lead to erosion. Of additional concern is the lower staging area of this site. This is the area just off Bellvale Lakes Road where logs may be temporarily stored and where they will all be transferred to logging trucks. The CB recommends the applicant be required to supplement the base with adequate stone surface to

prevent soil disturbance and possible erosion that may result from prolonged use by heavy trucks and also to minimize the tracking of soil onto Bellvale Lakes Road.

The following comment submitted by the ARB:

Sunland Limited Timber Harvest / Schreibeis – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The applicant has provided us with a short EAF. I did check carefully to make sure that it was an Unlisted Action. I was able to confirm that. The Planning Board could go ahead and declare itself Lead Agency.

Mr. Showalter makes a motion for Lead Agency.

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

617.6

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

Name of Action: Sunland Timber Harvest

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan application for a Timber Harvest by R. Land LLC for a \pm 48 acre portion of a 271 acre parcel of land located at Bellvale Lakes Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 7/27/11 was submitted at the time of application, and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is an Unlisted action, and

Whereas, the Planning Board has determined that the proposed project is not within an agricultural district and, therefore, the requirements of 6 NYCRR 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 itself Lead Agency for the review of this action.

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

Comment #2: Applicant to discuss project.

Mr. Astorino: We had done a site visit. Do any Board members or Professionals have any comments? We had seen the trees. We had seen what was out there. We had seen some of the issues with the road coming down. I just wanted to mention for the record that the Planning Board, our Engineer, and the Conservation Board were all out at the site visit.

Comment #3: Conservation Board comments – 08/11/11

- a. concerns about erosion control and surface water runoff

Mr. Astorino: We discussed that at the site visit.

- b. recommends water bars be placed along the steep section of roadway from the lower crossing of the pipeline to the area being used as a turnip field

Mr. Astorino: Laura, that would be something that we would discuss with you and get your opinion where the water bars would be installed.

Laura Barca: Yes.

- c. recommends that an adequate stone base material be installed to prevent soil disturbance and possible erosion

Mr. Astorino: Also, to not track out mud and debris out onto Bellvale Lakes Road. We talked about using 2 different types of stone. We talked about using 1-3/4" stone out in the front of it and larger 1-1/2" stone towards the back by the loading area.

Comment #4: Architectural Review Board comments – 08/15/11 no comments received to date.

Comment #5: OC Planning Department – pending

Comment #6: The Applicant's Consultant Forester, Christopher Prentis is listed as a Consultant Forester in NYSDEC's Directory of Cooperating Foresters. Each person in this directory has at least a Bachelor's degree in forest management or similar accredited degree and has agreed to meet the standards of professional conduct and responsibilities.

Comment #7: §164-47.10.D.(2) exempts Forestry that is conducted in a manner consistent with the timber harvesting guidelines, as defined by NYSDEC. Landing areas and log haul roads are subject to §164-47.10. If Applicant is in compliance with NYSDEC Best Management Practices, Applicant is considered to be in compliance with §164-47.10.

Laura Barca: That Section is stormwater.

Mr. Astorino: If it is approved by the DEC, then they are following it the right way.

Laura Barca: If they are in accordance with the DEC, then they would be good with the Town.

Mr. Fink: At the site visit, we talked about the Best Management Practices. Do you have a copy of that?

Rob Schreibeis: Yes.

Mr. Fink: That is what it is. It is a little field guide that is used to show how to do some different water bars and all of the things that are talked about in the comments.

Mr. Astorino: We should get a few of those Best Management Practices booklets for the public hearing.

Rob Schreibeis: They have it online.

Mr. McConnell: Who is it that is responsible for determining if the applicant complies with the Best Management Practices?

Laura Barca: That would be me.

Mr. McConnell: What are the mechanics of that? Would that be a daily, weekly, or monthly thing?

Laura Barca: That is one of the comments at the end where it says establish an inspection schedule and escrow account for Planning Board Engineer to conduct inspections at the site.

Mr. Astorino: Dennis, we discussed this when we were out at the site.

Laura Barca: We haven't exactly pin pointed it yet on when the inspections would be.

Mr. McConnell: I remember the discussion at the Work Session. I was wondering now since we have a copy of the Best Management Practices for this topic.

Mr. Bollenbach: What we have in our Code is that the Forester and Logger would have to comply with Chapter 150 and also certify compliance with the Best Management Practices. They would be putting their stamp and seal on it. Then, we go in and check it.

Mr. McConnell: What I am trying to determine here is if this is an ongoing compliance or is it a compliance that occurs at the end of the project?

Mr. Bollenbach: It is done throughout.

Mr. McConnell: I just wanted to get that on the record that we knew that it was not just at the end of the thing that ok it looks like it was done right.

Comment #8: The proposed landing areas and haul roads will be disturbing more than 0.25 acre; Applicant must obtain a building department permit in accordance with §150-4.

Rob Schreibeis: Yes.

Comment #9: A stabilized construction entranceway shall be installed at the entrance to Bellvale Lakes Road; a detail shall be provided.

Rob Schreibeis: Yes.

Comment #10: The logging road is an existing farm road; however Applicant should show a cross section detail of the steeper slopes (NYSDEC BMP Figures 2 and 3).

Rob Schreibeis: Yes.

Comment #11: The Applicant should provide a written agreement that it is acceptable to cross the gas line easement.

Rob Schreibeis: Yes.

Comment #12: The forester and logger must sign a notarized letter stating that they have read and understanding Town of Warwick Town Code §150 and agreement to comply with NYSDEC Best Management Practices.

Rob Schreibeis: Yes.

Comment #13: The Timber Harvest Report should be dated and revised to include the following:

- a. Clarify that stumps are not being removed at this time.
- b. Clarify that the hand-clearing of the grape vines and bittersweet vines will be conducted within the 48 acres
- c. State that the 48 acres of selective tree harvest has been flagged in the field with pink ribbon.
- d. State that the top portions of the trees will remain.
- e. Identify a maximum height of the branch pile remaining.
- f. State that no streams or wetlands are in the areas being harvested or crossed to access those areas.

Rob Schreibeis: Ok.

Comment #14: A daily report must be completed and submitted within 3 days to the Planning Board Engineer. The daily report must contain the following information:

- a. Number and species of trees removed from site.
- b. Identify if trees are sawtimber, firewood, or cull.
- c. Estimate of sawtimber removal in board feet.
- d. Estimate of firewood removal in cord.

Laura Barca: When I was talking to Rob after I finalized this letter, he said that because he is hand cutting the trees with a chainsaw that they probably would be removing 5 to 7 trees per day. Although this comment says a daily report, something more like a weekly report may be more appropriate than a daily report.

Mr. Astorino: Do any Board members have any problems with that?

Mr. Bollenbach: We could have that done weekly.

Mr. Astorino: Ok. We will change that to a weekly report.

Comment #15: The following notes and information must be prepared and signed by the Applicant, the logger, and the forester:

- a. No trees will be stored by municipal roads.
- b. Work will not be conducted when the weather (e.g., rain, snow/ice, etc.) does not permit working without causing excessive erosion or rutting of the log roads.
- c. All work must be conducted in compliance with New York State Department of Environmental Conservation Best Management Practices.
- d. All work must be in compliance with Town of Warwick Town Code §164-47.10.
- e. Skid trails will not exceed a slope of 25% for a distance greater than 300-ft.
- f. Water bars will be installed as necessary to divert or slow water movement on exposed road surfaces.
- g. Skid trails will be cleared of debris, smoothed, and water bars installed after all trees have been removed.
- h. Skid trails will be seeded with perennial grasses in accordance with the detail shown.
 - i. A detail for topsoil and seeding of all disturbed areas.
 - j. Loading areas will also be smoothed and seeded at the end of the harvest.

Laura Barca: There is one item that I want to clarify. Most of these notes come from a previous application. The one I want to clarify is comment #15-a. It states that no trees will be stored by municipal roads. Bellvale Lakes Road is a Town road.

Mr. Astorino: They are not right next to the road.

Laura Barca: Right. How should we clarify that note?

Mr. Bollenbach: Why don't we put in there within so many of the Town road?

Mr. Astorino: Why don't we put that logs could be placed within an approved storage area or something to that effect?

Mr. Bollenbach: Why don't we say within so many feet of the Town road? Find out where your storage area is and have it that it won't be nearer than how many feet you would need.

Rob Schreibeis: It is on our map now. But, it is whatever the Town wants.

Mr. Astorino: Where you have it, it is fine. We just want to clarify the note.

Rob Schreibeis: They would be loading at the road. They won't be stored there. They would just be brought down and shipped there.

Mr. Showalter: I was looking at the map. The storage area of the logs would be away from the road.

Rob Schreibeis: We won't be storing logs by the road. It would only be there very temporarily.

Laura Barca: Is comment #15-a ok the way that it is stated?

Mr. Showalter: Laura, the storage area for the logs are away from the road. It is up on top. They would be loaded down by the road so they wouldn't have to drive the truck all the way up that steep hill.

Mr. McConnell: We still want to make sure that no logs are stored within X number of feet of the municipal road.

Mr. Bollenbach: Right. That is all.

Laura Barca: Ok. We will figure the number of feet and add it on.

Comment #16: A reclamation bond in the amount of \$3,000 shall be provided until all areas have been stabilized in accordance with the following NYSDEC definition of Final Stabilization: "all soil disturbance activities have ceased and a uniform, perennial vegetative cover with a density of 80% over the entire previous surface has been established; or other equivalent stabilization measures, such as permanent landscape mulches, rock rip-rap or washed/crushed stone have been applied on all disturbed areas that are not covered by permanent structures, concrete or pavement." (GP-0-10-001, Appendix A).

Rob Schreibeis: Ok.

Comment #17: Establish an inspection schedule and escrow account for Planning Board Engineer to conduct inspections at the site.

Mr. Astorino: That would be determined when or if you get the approval. It would also be determined what time of the year you would be starting. It's pretty hard to determine right now because it would depend on the weather. It will be an ongoing discussion.

Comment #18: Payment of all fees.

Rob Schreibeis: Yes.

Mr. Astorino: I have another question regarding the water bars and erosion control. Say that you get the approval and get started, and then winter sets in. How do we handle that? Do you install the water bars for the winter season? Then, do you remove them again when you go back in the spring? I'm looking at it in a 3 to 4 month period when you wouldn't be able to do anything. How does that work out?

Laura Barca: I didn't look for that in the Best Management Practices. We could see if they have something.

Rob Schreibeis: The Best Management Practices is very practical.

Laura Barca: Right.

Mr. Bollenbach: Laura will look it up. She will fill us in a the next Work Session.

Mr. Astorino: Ok. Does the Board or Professionals have anything further?

Mr. McConnell: The applicant here is R Land. Who is the owner?

Rob Schreibeis: Sunland Trust is the owner.

Mr. McConnell: Do we have anything in writing?

Mr. Bollenbach: We have it in the application that there is authorization.

Mr. McConnell: Ok. I am surprised that didn't appear here.

Mr. Bollenbach: It is right in the application. But, I will verify that for you.

Mr. McConnell: Ok. This weekly report must be submitted within 3 days. Within 3 days of what?

Laura Barca: It was in 3 days from the daily report. It would have been within 3 days from that day. But since we came to a weekly report, it would be within 3 days from the end of the week.

Mr. McConnell: Is a weekly report required for a week in which only one days worth of work is done? I don't understand how you are going to do this. One of my questions is the weather, that no work would be done depending on the weather. How many consecutive days do you need in order to make it worth your while to do anything on the property?

Rob Schreibeis: We could clarify that by ending our week on a Saturday and report to Laura on the following Tuesday for the previous week.

Mr. McConnell: Ok. Is it likely you could have one day in the week that it is worth working and the rest of the week is not?

Rob Schreibeis: No.

Mr. McConnell: Ok.

Mr. Astorino: All it is, it is a quick report to Laura.

Mr. McConnell: Right.

Mr. Astorino: What are the hours of operation?

Mr. Bollenbach: The hours of operation are stated in the Code. Those hours of operation would be placed on the map.

Mr. Astorino: Right. But at the public hearing, we will have people asking what hours of operation would be done on a Saturday. Do you know what hours you would be putting in on a Saturday?

Rob Schreibeis: It would be whatever the Code says.

Mr. Bollenbach: The Code allows from 7:00 a.m. to 7:00 p.m. If there are concerns, maybe the applicant could shorten the hours if he would like. We will wait to see what the public comments are.

Mr. Astorino: Ok. Does anybody have anything further?

Rob Schreibeis: We request to be set for a public hearing.

Mr. Showalter makes a motion to set the Sunland Limited Timber Harvest/Schreibeis application for a Public Hearing at the next available agenda.

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

Rob Schreibeis: Thank you.

Other Considerations:

1. Planning Board to discuss cancelling the 8/29/11 Work Session & the 9/7/11 Planning Board Meeting due to the Labor Day Holiday.

Mr. McConnell makes a motion to cancel the 8/29/11 Work Session & the 9/7/11 Planning Board meeting.

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

2. Planning Board to Approve the 7/20/11 Planning Board Minutes.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 7/20/11.

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

3. **BCM Development** – Letter from Tony Ciallella / BCM, dated 8/3/11 addressed to the Planning Board in regards to BCM Development – requesting “*Re-Approval*” of Final Approval for filing a 42-Lot subdivision in Sections. Section I to consist of a 12-Lot subdivision, situated on tax parcel SBL # 44-1-133; parcel located along the northerly side of State Highway 17A 500 feet east of Ketchum Road and Pumpkin Hill Road, in the SL zone. Final Approval was granted on, 9/1/10. *The applicant has stated that the Re-Approval is requested due to the continued depressed state of the Real Estate Market and the Economy.* Re-Approval of Final Approval becomes effective on, 9/1/11, subject to the conditions of final approval granted on 9/1/10.

Mr. Astorino: I spoke to Tony. He can't get financing period.

Mr. Bollenbach: Also, I will have to verify the Water Agreement. There were certain terms and conditions within the Water Agreement for timing of installation. We could make it subject to my review of that with the Town Board.

Mr. Astorino: Ok. That will be fine.

Mr. McConnell makes a motion on the BCM Development application, granting “*Re-Approval*” of Final Approval for filing a 42-Lot subdivision in Sections. Section I to consist of a 12-Lot subdivision, situated on tax parcel S 44 B 1 L 133; parcel located along the northerly side of State Highway 17A 500 feet east of Ketchum Road and Pumpkin Hill Road, in the SL zone, of the Town of Warwick, County of Orange, Stated of New York, subject to the conditions of Final Approval granted on, 9/1/10. Subject to Planning Board Attorneys review of Bellvale Water District Agreement with Town Board. Re-Approval of Final Approval becomes effective on, 9/1/11.

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

4. **Brian Singer Subdivision** – Letter from Kirk Rother, P.E. addressed to the Planning Board dated 8/9/11 received on 8/15/11 in regards to Brian Singer Subdivision – requesting “**Re-Approval**” of Final Approval of a proposed 2-Lot subdivision, situated on tax parcel SBL # 66-1-75; parcel located on the western side of Briller Road 1000 feet south of Continental Road, in the CO zone, of the Town of Warwick. Conditional Final Approval of the “Amendment of the Conditions” was granted on, 6/2/10. *The applicant has stated that they are still in litigation with the former owner of the right-of-way. It is the applicant’s hope that this matter will be resolved in the near future, after which the applicable fees will be paid and the other applicable conditions satisfied.* Re-Approval of Final Approval becomes effective on, 6/2/11, subject to the conditions of final approval granted on 6/2/10.

Mr. McConnell makes a motion on the Brian Singer application, granting “**Re-Approval**” of Final Approval for a proposed 2-Lot subdivision, situated on tax parcel SBL # 66-1-75; parcel located on the western side of Briller Road 1000 feet south of Continental Road, in the CO zone, of the Town of Warwick, County of Orange, State of New York. Conditional Final Approval of the “Amendment of the Conditions” was granted on, 6/2/10. The Re-Approval of Final Approval becomes effective on, 6/2/11, subject to the conditions of final approval granted on, 6/2/10.

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

5. **Millers Ridge Subdivision** – Letter from Kirk Rother, P.E. addressed to the Planning Board dated 7/18/11 received on 8/15/11 in regards to the Millers Ridge Subdivision – requesting 7th 6-Month Extension on Preliminary Approval of a proposed 16-Lot cluster subdivision + 1-Affordable Residential Lot + 1-Commercial Lot subdivision and an application for Special Use Permit for the 1-Affordable Home, situated on tax parcels SBL # 51-1-7.41 & 51-1-41; parcels located on the eastern side of Warwick Turnpike 1500 feet south of State Highway 94, in the RU zone, of the Town of Warwick. Preliminary Approval was granted on, 12/5/07. *The applicant has stated due to the economic conditions, the applicants have chosen to temporarily suspend work on the project. They do however, have a desire to keep the preliminary in effect since they are hopeful of proceeding with the project in the near future.* The 7th 6-Month Extension becomes effective on, 6/5/11.

Mr. Showalter makes a motion on the Millers Ridge Subdivision application, granting a 7th 6-Month Extension on Preliminary Approval of a proposed 16-Lot Cluster subdivision + 1-Affordable Residential Lot + 1-Commercial Lot subdivision and an application for Special Use Permit for the 1-Affordable Home, SBL # 51-1-7.41 and 41. Preliminary Approval was granted on, 12/5/07. The 7th 6-Month Extension becomes effective on, 6/5/11.

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

6. **Cedar Ridge Subdivision** – Letter from Kirk Rother, P.E. addressed to the Planning Board dated 8/15/11 received on 8/15/11 in regards to the Cedar Ridge Subdivision – requesting “**3rd Re-Approval**” of Final Approval of a proposed 36-Lot cluster subdivision, situated on tax parcel SBL # 7-2-51.2; parcel located along the south side of Wheeler Road approximately 1500 feet west of Intersection with C.R. 41, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on, 7/16/08. *The applicant has stated that due to the current economic climate, is unable at this time to satisfy the financial conditions associated with the final approval.* The 3rd Re-Approval of Final Approval becomes effective on, 7/16/11, subject to the conditions of Final Approval granted on, 7/16/08.

Mr. Kennedy makes a motion on the Cedar Ridge Subdivision Application, granting **3rd 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 3rd Re-Approval of Final Approval becomes effective on, 7/16/11.

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

7. **Mante Subdivision** – Letter from Kirk Rother, P.E. addressed to the Planning Board dated 8/15/11 received on 8/16/11 in regards to the Mante Subdivision – requesting “**2nd Re-Approval**” of Final Approval of a proposed 2-Lot subdivision, situated on tax parcel SBL # 47-1-78.234; parcel located on the eastern side of Bellvale Lakes Road 2,725 feet south of Rabbitt Hill Road, in the MT zone, of the Town of Warwick. Conditional Final Approval was granted on, 9/2/09. *The applicant has stated that due to the current real estate market conditions, the proposed subdivision is not economically viable. This is primarily due to the cost of improvements associated with widening the common driveway.* The 2nd Re-Approval of Final Approval becomes effective on, 9/2/11, subject to the conditions of Final Approval granted on 9/2/09.

Connie Sardo: This application I have a problem with. They have not paid the Re-Approval Application Fee yet. I have not heard back from them at all.

Mr. Astorino: Ok. We will hold them over to the next meeting.

Connie Sardo: Their Approval is good until 9/2/11. We will put them onto the September 21, 2011 Planning Board meeting.

Mr. Astorino: Ok. Is the Board ok with that?

Mr. Kowal: Yes.

Mr. McConnell: Yes.

Mr. Showalter: Yes.

Mr. Astorino: That is fine. We will put them on the September 21, 2011 Planning Board meeting.

Correspondences:

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

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

Mr. Astorino: If there is anyone in the audience wishing to address any of the agenda items, please rise and state your name for the record. Let the record show no public comment.

Mr. McConnell makes a motion to adjourn the August 17, 2011 Planning Board meeting.

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