

TOWN OF WARWICK PLANNING BOARD

August 20, 2014

Members present: Chairman, Benjamin Astorino
Roger Showalter, Vice-Chairman
Beau Kennedy, Christine Little,
John MacDonald, Alternate
John Bollenbach, Planning Board Attorney
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, August 20, 2014 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.

PUBLIC HEARING OF HOMARC, LLC.

Application for Preliminary Site Plan Approval and Special Use Permit and DEIS completeness for the construction and use of a commercial site plan of a 21,900 square foot professional and office development on a 5.1 acre site, situated on tax parcel S 51 B 1 L 5.231; project located on the northern side of NYS Route 94 near the intersection with Warwick Turnpike (152 NYS Route 94 South, in the CB zone, of the Town of Warwick, County of Orange, State of New York. The Planning Board adopted a Final Scoping Document on 3/4/09. The Planning Board adopted an "Amended" Final Scoping Document on 7/17/13. Planning Board deemed the DEIS complete on 7/16/14.

Representing the applicant: Dave Griggs, ERS Consultants. Paul Canivari, Applicant

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – 10/16/12: no comments at this time
4. Architectural Review Board – 10/16/12: (1) request similar conceptual view of all four sides, (2) provide materials of construction, (3) determine front(s) of building, and (4) perspective rendering of nearby buildings; **08/11/14**: see separate comment letter dated 08/11/14
5. OC Planning Department – pending submittal
6. NYSDOT – status of roadway cut to Route 94
7. HDR DEIS Completeness comments are included in HDR review letter dated July 16, 2014.
8. Appropriate revision dates should be added to the cover sheets of the DEIS.
9. The new owner(s) of surrounding property(ies) should be updated on the plan set.
10. Final scoping document Page 8 (IV.D.1.c): Fire suppression water supply must be discussed, including improvements to the existing system.
11. Provide a map note stating that "No construction or PROPOSED use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." (Sheet 1 Note 11).
12. The profile of the Marginal Access Road shall be shown to ensure proper vertical and horizontal alignment of the Marginal Access Road with both adjacent properties.

13. A three-ring binder with all color, texture, roofing samples, etc. shall be submitted and retained with the building department after final approval has been granted.
14. Payment of all bonds (Landscaping, Performance, Marginal Access Road, Construction Trailer Removal, Construction Inspection fees for Landscaping and Performance, and Traffic Mitigation Fees).
15. Surveyor to certify that iron rods have been set at all property corners.
16. Payment of all fees.

The following comment submitted by the Conservation Board:

HOMARC, LLC. – None submitted.

The following comment submitted by the ARB, dated 8/11/14:

HOMARC, LLC. – The following comments are from the Joint Planning Board/ARB Meeting held on August 11, 2014 at Warwick Town Hall:

1. All 5/12 roof lines must be reduced to 4/12 and all 4/12 roof lines must be reduced to 3/12; the Applicant must confirm that the HVAC equipment that will be on top of the structure remains not visible.
2. The applicant must take appropriate measures to break-up the expanse of glass currently shown on the elevation plans (e.g., aluminum store front, vertical and/or horizontal divisions).
3. Applicant to confirm column and arch correspondence with building entrances to make sure there are no conflicts.
4. Alternatives for brick going all the way to the top must be presented (e.g., elements of the local vernacular should be shown in the frieze board area).
5. Window and door head height should be consistent.
6. The brick ledge must be shown below the slab (internal and external of the building) so that the foundation will not be visible.
7. All signage must be shown on the plan in accordance with the Town Code.
8. Include details/cut sheets for all lighting on the building and on the site plan.
9. The dimensions showing the window sill heights must be added to the plan.
10. The side elevations of the entry canopies/gable ends must be shown, including how it relates back to the building.
11. A smaller portion of the building (one-half of the building facing the road) must be shown at a larger scale with complete details.

Comment #1: Planning Board to discuss SEQRA.

Ms. Little: This SEQR comment has been prepared by Mr. Ted Fink, dated 8/2014:

“The applicant has prepared a Draft Environmental Impact Statement that outlines all of the potential ways in which the proposed project may cause environmental impacts. The Planning Board, acting as Lead Agency for the review of the project, specified the studies that were required and then reviewed the applicant’s Draft EIS document for completeness against the Board specifications. Following a number of modifications the Board requested, the document was accepted as complete which began a public review process.

The public hearing tonight is for receipt of oral comments on the potential environmental impacts of the project. Interested parties have until September 10, 2014 to submit written

comments. All other agencies that must issue approvals or permits for the project also have until September 10th to submit their written comments to the Planning Board. Any comments or questions about the project expressed tonight or submitted in written form will be answered in a Final Environmental Impact Statement, to be prepared following receipt of the comments. The Town Planner and the Planning Board Engineer will have technical review comments that will also be submitted before September 10th.

Once the Final Environmental Impact Statement is prepared and adopted by the Planning Board, then a written Findings Statement will be prepared that outlines how the environmental impacts will be minimized or avoided. The Public Hearing on the Draft EIS will be closed tonight but the Public Hearings on the Site Plan and Special Use Permit will be adjourned to a future unspecified date and will be re-advertised so that everyone is notified. Any changes to the Site Plans, as a result of the Draft EIS, Final EIS and Findings Statement will then be reviewed at the next public hearings”.

Comment #2: Applicant to discuss project.

Dave Griggs: There is nothing really new.

Comment #3: Conservation Board – 10/16/12: no comments at this time

Comment #4: Architectural Review Board – 10/16/12: (1) request similar conceptual view of all four sides, (2) provide materials of construction, (3) determine front(s) of building, and (4) perspective rendering of nearby buildings; **08/11/14**: see separate comment letter dated 08/11/14

Mr. Astorino: We had a Joint Meeting with the ARB on 8/11/14. Comments from the ARB have been given to the Planning Board and the Applicant. Do any Board Members or Professionals have any comments?

Mr. Kennedy: No.

Mr. Showalter: No.

Ms. Little: No.

Mr. MacDonald: No.

Mr. Astorino: Ok. The Board is ok with that. As far as HDR's comments. These are the same comments that we have had on the DEIS and the Site Plan. We will list Comments 5 through 16 for the record. Do any Board Members have any comments? This is a public hearing. If there is anyone in the audience wishing to address the HOMARC application, please rise and state your name for the record. Let the record show no public comment. We will need a motion to close the public hearing on the DEIS with a written comment period held open until 9/10/14. We will also need a motion to adjourn the public hearing for Site Plan Approval and Special Use Permit without date.

Ms. Little makes a motion to close the DEIS Public Hearing with a written comment period held open until 9/10/14 and to adjourn the Public Hearing on Site Plan Approval and Special Use Permit without date.

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

Comment #5: OC Planning Department – pending submittal

Comment #6: NYSDOT – status of roadway cut to Route 94

Comment #7: HDR DEIS Completeness comments are included in HDR review letter dated July 16, 2014.

Comment #8: Appropriate revision dates should be added to the cover sheets of the DEIS.

Comment #9: The new owner(s) of surrounding property(ies) should be updated on the plan set.

Comment #10: Final scoping document Page 8 (IV.D.1.c): Fire suppression water supply must be discussed, including improvements to the existing system.

Comment #11: Provide a map note stating that “No construction or PROPOSED use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” (Sheet 1 Note 11).

Comment #12: The profile of the Marginal Access Road shall be shown to ensure proper vertical and horizontal alignment of the Marginal Access Road with both adjacent properties.

Comment #13: A three-ring binder with all color, texture, roofing samples, etc. shall be submitted and retained with the building department after final approval has been granted.

Comment #14: Payment of all bonds (Landscaping, Performance, Marginal Access Road, Construction Trailer Removal, Construction Inspection fees for Landscaping and Performance, and Traffic Mitigation Fees).

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

Comment #16: Payment of all fees.

Review of Submitted Maps:***Sayed Shah Building #2***

Application for Site Plan Approval and Special Use Permit for the construction and use of conversion of an existing one-family dwelling to a two-family dwelling and 5 one-story commercial spaces previously known as an onion packing facility, situated on tax parcel S 3 B 1 L 44; project located on the southwestern side of County Route 1 (827 County Route 1), in the LB zone, of the Town of Warwick.

Representing the applicant: Chris DeHaan, Architect. Sayed Shah, Applicant.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – pending comments
4. Architectural Review Board – pending comments
5. OC Planning Department – pending submittal
6. OCDPW – pending submittal
7. TW Building Department – open permit for removal of three underground storage tanks
8. TW ZBA – 10/22/12 variance granted to allow the conversion from a one-family dwelling to a two-family dwelling (expires 10/22/14).
9. Complete ZBA language must be shown on the drawing.
10. Confirm that current plan is in compliance with the ZBA requirements shown in their approval.
11. The 911 address request form must be resubmitted with a site plan showing the location of all proposed uses.
12. Service Capacity letters must be submitted to highway, police, ambulance, fire, and school.
13. A north arrow should be added to the plan.
14. The total acreage of the lot must be added to the plan.
15. The approval box must be added to the plan.
16. If no stormwater plan is included, a note must be added to the plans stating that there will be no ground disturbance.
17. Property owners within 300-ft of the property must be shown on the plan.
18. Parking calculations, including required and proposed parking spaces, must be shown on the plan.
19. Traffic flow patterns and the design of any loading areas, including truck turning movements, must be shown on the plans.
20. A landscaping plan, including a planting schedule and notes assuring replacement of plantings that do not survive three years must be shown on the plan.
21. Show the location, design, and construction materials for all existing and proposed walkways, ramps, outdoor storage/display areas, and retaining walls/fences.
22. Show the location, height, size, materials of construction, design, and illumination of all existing and proposed signs, as required in §164-43.1.
23. Add a lighting note to the plan: All outdoor lighting shall be designed, located, installed, and directed in such a manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property. The prohibitions

and requirements listed in §164-43.4 of the Town Code shall apply to all proposed and existing outdoor lighting fixtures.

24. Add a signage note to the plan: Signs shall be not erected until a sign permit has been submitted and approved by the Town of Warwick Building Department in accordance with §164-43.1 of the Town Code.
25. Show the location, type, and screening details for solid waste disposal facilities and containers.
26. The plans should estimate noise generation or include a note that states compliance with the Town's Performance Standards (§164-48).
27. The estimated number of employees must be shown on the plan.
28. If the entire building or portions of the building have modern water-saving devices, a note shall be added to the plan.
29. The septic system and well locations are not shown on the plan.
30. The plans must be signed/sealed by the Professional Engineer from the State of New York.
31. The plans must be signed/sealed by the Licensed Surveyor from the State of New York.
32. The appropriate Town of Warwick Standard Notes must be added to the plan (Overlay Districts (Ag, TN-O), Signature Block, Utilities, Limits of Disturbance, Lighting, Agricultural Notes, Sign Note, and OCPDW Note).
33. The setback for the location of the residential portion of the large building is not adequate, but since the building was constructed before 1973, the setback requirement is grandfathered.
34. The setbacks for the existing shed and existing garage are not adequate; the applicant can obtain a variance from the ZBA, prove that they were constructed before 1973, or remove the structures.
35. The lot coverage and building heights should be shown in the bulk table.
36. There appear to be portions of the parking area that overlap onto the adjacent lot (3-1-43). Applicant to determine how this will be managed if the two lots have two different owners in the future (shared parking/ easement).
37. There appears to be a shared driveway between this lot (3-1-44) and an adjacent lot (3-1-46); applicant to clarify mechanism to share this driveway.
38. Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained."
39. The Applicant shall show the 911 address on Sheet 1 of the drawing set.
40. The declaration information for the Agricultural Notes must be added to the plan.
41. A three-ring binder with all color, texture, roofing samples, etc. shall be submitted and retained with the building department after final approval has been granted.
42. Payment of all bonds (Landscaping, Performance, Marginal Access Road, Construction Trailer Removal, Construction Inspection fees for Landscaping and Performance, and Traffic Mitigation Fees).
43. Surveyor to certify that iron rods have been set at all property corners.
44. Payment of all fee

The following comment submitted by the Conservation Board:

Sayed Shah Building #2 – None submitted.

The following comment submitted by the ARB:

Sayed Shah Building #2 – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Ms. Little: This SEQR comment has been prepared by Mr. Ted Fink, dated 8/20/14:

“This is an Unlisted Action and there are other agencies involved but there is no need to do a coordinated review so the Planning Board can declare itself Lead Agency for the review of the application”.

Ms. Little makes a motion for Lead Agency. Seconded by Mr. Kennedy.
The following Resolution was carried 4-Ayes.

617.6

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

Name of Action: Shah Building

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan/Special Use Permit application by Sayed M. Shah for a ± 2.138 acre parcel of land located at 827 County Route 1, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 7/7/14 was submitted at the time of application, and

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

Whereas, the Planning Board has determined that the proposed project is within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) apply meaning that an Agricultural Data Statement must be filed, forwarded to the owners of nearby farm operations and then considered by the Planning Board, 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 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.

Chris DeHaan: The existing building on the property was originally the old onion packing facility. The building was subdivided into 10 spaces. The onion packing facility moved out. After that, it became multiple tenants. The apartments in the other building; there were two of them. The approval was only for a single apartment. We are seeking to have the 2 apartments approved as well as the multiple tenant professional businesses.

Comment #3: Conservation Board – pending comments

Comment #4: Architectural Review Board – pending comments

Comment #5: OC Planning Department – pending submittal

Comment #6: OCDPW – pending submittal

Connie Sardo: Chris, I will need an extra map to send to OCDPW.

Chris DeHaan: I have an extra map for you.

Connie Sardo: Thank you.

Comment #7: TW Building Department – open permit for removal of three underground storage tanks

Chris DeHaan: Regarding the 3 underground storage tanks, there was an error in an application whether it was from the applicant or not, but the wrong SBL # put on that. The 3 underground storage tanks were on an adjacent parcel, which is owned by Mr. Shah. It was documented when they did the removal. They have all of that.

Mr. Astorino: Ok. Just get that information into us.

Chris DeHaan: Ok.

Mr. Astorino: Do any Board members or Professionals have any questions or comments on these comments. Does anything stand out? Many of them are pretty much straight forward. I think that the Board should get out there and do a site visit. We will wait until Laura gets back to schedule that. We could do it by email. Is the Board comfortable with that? I don't want to set it for the next Work Session date because we don't know what is coming in. Connie, we could schedule something through emails. We will get in touch with you with a date for a site visit.

Chris DeHaan: Ok. I just wanted to let the Board know that the 2 additional structures on the property, one of the two structures which is indicated on the map as a shed has been removed. The other building that is shown as a garage is located there. There is really no way for us to know when that had shown up on the site. With that being said, I think we would have to go for a variance for that existing structure.

Mr. Astorino: Ok. When we do the site visit, we will see what you have out there. We will see how far it is from the property line.

Connie Sardo: Didn't you go to the ZBA already?

Chris DeHaan: Yes. We did receive an area variance for the existing building. We need to go for another type of variance.

Mr. Bollenbach: When does that first variance expire?

Chris DeHaan: It expires on 10/22/14. We know that we would have to go back to the ZBA for a renewal.

Mr. Bollenbach: What I am thinking, since you have to go back to the ZBA for the renewal, you might as well take care of this other variance at the same time. You could also go into the Assessor's office to see if they have any documentation on it that it pre-existed.

Chris DeHaan: Ok.

Mr. Astorino: We will try to get a site visit before you go to the ZBA. Then we will know what kind of recommendation to give to you for the ZBA.

Chris DeHaan: Ok.

Mr. Astorino: Ok. Do any Board Members have any comments? We will list Comments 8-44 for the record. Once our Professionals get back, we will get in touch with you by email regarding a date for the site visit.

Chris DeHaan: Ok. I did receive a letter today from OCPL.

Connie Sardo: Yes. I just received it late today. That is why we didn't bring it up. They just had a couple of comments.

Chris DeHaan: Thank you.

Comment #8: TW ZBA – 10/22/12 variance granted to allow the conversion from a one-family dwelling to a two-family dwelling (expires 10/22/14).

Comment #9: Complete ZBA language must be shown on the drawing.

Comment #10: Confirm that current plan is in compliance with the ZBA requirements shown in their approval.

Comment #11: The 911 address request form must be resubmitted with a site plan showing the location of all proposed uses.

Comment #12: Service Capacity letters must be submitted to highway, police, ambulance, fire, and school.

Comment #13: A north arrow should be added to the plan.

Comment #14: The total acreage of the lot must be added to the plan.

Comment #15: The approval box must be added to the plan.

Comment #16: If no stormwater plan is included, a note must be added to the plans stating that there will be no ground disturbance.

Comment #17: Property owners within 300-ft of the property must be shown on the plan.

Comment #18: Parking calculations, including required and proposed parking spaces, must be shown on the plan.

Comment #19: Traffic flow patterns and the design of any loading areas, including truck turning movements, must be shown on the plans.

Comment #20: A landscaping plan, including a planting schedule and notes assuring replacement of plantings that do not survive three years must be shown on the plan.

Comment #21: Show the location, design, and construction materials for all existing and proposed walkways, ramps, outdoor storage/display areas, and retaining walls/fences.

Comment #22: Show the location, height, size, materials of construction, design, and illumination of all existing and proposed signs, as required in §164-43.1.

Comment #23: Add a lighting note to the plan: All outdoor lighting shall be designed, located, installed, and directed in such a manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property. The prohibitions and requirements listed in §164-43.4 of the Town Code shall apply to all proposed and existing outdoor lighting fixtures.

Comment #24: Add a signage note to the plan: Signs shall be not erected until a sign permit has been submitted and approved by the Town of Warwick Building Department in accordance with §164-43.1 of the Town Code.

Comment #25: Show the location, type, and screening details for solid waste disposal facilities and containers.

Comment #26: The plans should estimate noise generation or include a note that states compliance with the Town's Performance Standards (§164-48).

Comment #27: The estimated number of employees must be shown on the plan.

Comment #28: If the entire building or portions of the building have modern water-saving devices, a note shall be added to the plan.

Comment #29: The septic system and well locations are not shown on the plan.

Comment #30: The plans must be signed/sealed by the Professional Engineer from the State of New York.

Comment #31: The plans must be signed/sealed by the Licensed Surveyor from the State of New York.

Comment #32: The appropriate Town of Warwick Standard Notes must be added to the plan (Overlay Districts (Ag, TN-O), Signature Block, Utilities, Limits of Disturbance, Lighting, Agricultural Notes, Sign Note, and OCPDW Note).

Comment #33: The setback for the location of the residential portion of the large building is not adequate, but since the building was constructed before 1973, the setback requirement is grandfathered.

Comment #34: The setbacks for the existing shed and existing garage are not adequate; the applicant can obtain a variance from the ZBA, prove that they were constructed before 1973, or remove the structures.

Comment #35: The lot coverage and building heights should be shown in the bulk table.

Comment #36: There appear to be portions of the parking area that overlap onto the adjacent lot (3-1-43). Applicant to determine how this will be managed if the two lots have two different owners in the future (shared parking/ easement).

Comment #37: There appears to be a shared driveway between this lot (3-1-44) and an adjacent lot (3-1-46); applicant to clarify mechanism to share this driveway.

Comment #38: Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained."

Comment #39: The Applicant shall show the 911 address on Sheet 1 of the drawing set.

Comment #40: The declaration information for the Agricultural Notes must be added to the plan.

Comment #41: A three-ring binder with all color, texture, roofing samples, etc. shall be submitted and retained with the building department after final approval has been granted.

Comment #42: Payment of all bonds (Landscaping, Performance, Marginal Access Road, Construction Trailer Removal, Construction Inspection fees for Landscaping and Performance, and Traffic Mitigation Fees).

Comment #43: Surveyor to certify that iron rods have been set at all property corners.

Comment #44: Payment of all fee

Other Considerations:

1. **Cedar Ridge Subdivision** – Letter from Kirk Rother, P.E., dated 7/3/14 addressed to the Planning Board in regards to the Cedar Ridge Subdivision – requesting **6th 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 given to the current economic climate, the applicant is unable to satisfy the financial conditions associated with the final approval, such as parkland fees and road bond.* The 6th Re-Approval of Final Approval becomes effective on 7/16/14, subject to the conditions of final approval granted on 7/16/08.

Mr. Kennedy makes a motion on the Cedar Ridge application, granting **6th 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 6th Re-Approval of Final Approval becomes effective on 7/16/14, subject to the conditions of final approval granted on 7/16/08.

Seconded by Ms. Little. Motion carried; 4-Ayes.

2. **Kirk Rother Subdivision** – Letter from Kirk Rother, P.E., dated 7/3/14 addressed to the Planning Board in regards to the Kirk Rother Subdivision – requesting **6th Re-Approval** of Final Approval of a proposed 2-Lot Cluster subdivision, situated on tax parcel SBL #42-1-110.4; parcel located on the western side of C.R. 1, 1885 feet north of Waterbury Road, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 7/16/08. *The applicant has stated that they are near satisfying the conditions of final approval. All that remains is finalization of Legal Documents which should be completed within a month.* The 6th Re-Approval of Final Approval becomes effective on 7/16/14, subject to the conditions of final approval granted on 7/16/08.

Planning Board Member Mr. Showalter joins the Planning Board Meeting.

Mr. Kennedy makes a motion on the Kirk Rother Subdivision application, granting **6th Re-Approval** of Final Approval for a proposed 2-Lot Cluster subdivision, situated on tax parcel SBL # 42-1-110.4; parcel located on the western side of C.R. 1, 1885 feet north of Waterbury Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of Final Approval granted on, 7/16/08. (See attached).

The 6th Re-Approval of Final Approval becomes effective on 7/16/14, subject to the conditions of final approval granted on 7/16/08.

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

Mr. Bollenbach: Regarding the extensions and the re-approvals Number 2 through 6 they keep reciting due to satisfying legal documents, it is not on the Town's end.

Mr. Astorino: Thank you. I thought so.

Mr. Bollenbach: I just wanted to let the Board know that.

Mr. Astorino: So, it is on the applicant's end.

Mr. Bollenbach: Yes.

Mr. Astorino: We got that very clear now. Thank you.

Mr. Bollenbach: For instant, #3 that is coming up regarding McFarland, that was a rush rush deal. Do you know how many extensions and re-approvals that we have granted? We grant the approvals. Then, they just sit and say it's a legal issue.

Mr. Astorino: I spoke to Karen Emmerich on the McFarland application and the Panopoulos application. She couldn't make it here. But she did reiterate about them.

Mr. Bollenbach: I don't know. Maybe we could have the applicants come in and explain those details.

Mr. Astorino: Yes. I did speak to Karen on those 2 applications. She had valid reasons.

3. **McFarland Subdivision #3** – Letter from Karen Emmerich, Lehman & Getz Engineering, dated 7/28/14 addressed to the Planning Board in regards to the McFarland Subdivision #3 – requesting a 6-Month Extension on Re-Approval of Amended Final Approval of a proposed 4-Lot subdivision, situated on tax parcel SBL # 54-1-25.13; parcel located on the northern side of State Highway 17A 300± feet east of Forester Ave., in the SM zone, of the Town of Warwick. Amended Conditional Final Approval was granted on 2/20/13. *The applicant has stated that they are trying to finalize the subdivision plans, but need more time because the attorneys are still finalizing the numerous easements and declarations in which they hope would be completed soon.* The 6-Month Extension on Re-Approval of Amended Final Approval becomes effective on 8/20/14.

Mr. Kennedy makes a motion on the McFarland Subdivision #3 application, granting a 6-Month Extension on Re-Approval of "Amended" Final Approval of a proposed 4-Lot subdivision. SBL # 54-1-25.13. Amended Conditional Final Approval was granted on, 2/20/13.

The 6-Month Extension becomes effective on, 8/20/14.

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

Mr. Astorino: Karen, did mention that the McFarlands are elderly. They are dealing with the attorneys and the costs that occurs. That was the issue on this one. I said to Karen that I would bring it to the Board's attention.

4. **Meadowbrook Preserve** – Letter from Dave Higgins, Lanc & Tully Engineering, dated 8/4/14 addressed to the Planning Board in regards to the Meadowbrook Preserve Lot Line Change – requesting a 6-Month Extension on Final Approval of a proposed Lot Line Change, situated on tax parcels SBL # 29-1-63 & 65.12; parcels located on the western side of Union Corners Road and Sargent Road, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 3/5/14. *The applicant has stated that they are still working on satisfying the conditions of the approval such as legal documents for declarations for the overlay districts and deed restriction for abandonment of the existing well and relocation of a portion of fence. They request the extension to allow the applicant to complete all of the conditions of the approval.* The 6-Month Extension becomes effective on 9/5/14.

Mr. Kennedy makes a motion on the Meadowbrook Preserve application, granting a 6-Month Extension on conditional Final Approval of a proposed Lot Line Change. (SBL # 29-1-63 & 65.12). Conditional Final Approval was granted on 3/5/14.

The 6-Month Extension becomes effective on 9/5/14.

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

5. **Gregory Panopoulos** – Letter from Brian Friedler, Lehman & Getz Engineering, dated 8/6/14 addressed to the Planning Board in regards to the Panopoulos Lot Line Change – requesting a 6-Month Extension on Final Approval of a proposed Lot Line Change, situated on tax parcels SBL # 27-1-30.221 & 30.3; parcels located on the northern side of Edenville Road 650± feet east of C.R. 1/P.I. Turnpike, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 3/5/14. *The applicant has stated that they are still trying to satisfy the conditions of the approval such as easements and deed descriptions.* The 6-Month Extension becomes effective on 9/5/14.

Mr. Kennedy makes a motion on the Gregory Panopoulos application, granting a 6-Month Extension on conditional Final Approval of a proposed Lot Line Change. (SBL # 27-1-30.221 & 30.3). Conditional Final Approval was granted on 3/5/14.

The 6-Month Extension becomes effective on 9/5/14.

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

6. **DiBart & Rosenberg Lot Line Change** – Letter from James Dillin, PLS., dated 8/18/14 addressed to the Planning Board in regards to the DiBart & Rosenberg Lot Line Change – requesting a 6-Month Extension and **Re-Approval** of Final Approval of a proposed Lot Line Change, situated on tax parcels SBL # 19-1-21 & 22; parcels located on the northern side of West Lake Road, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 8/21/13. *The applicant has stated that the extension and the Re-Approval are needed due to the fact that they are trying to obtain mortgage releases for the Rosenberg property prior to a deed being conveyed. This should be resolved in September.* The 6-Month Extension becomes effective on 2/21/14. The Re-Approval of Final Approval becomes effective on 8/21/14, subject to the conditions of Final Approval granted on 8/21/13.

Connie Sardo: I spoke to Jim Dillin the surveyor. He didn't know our process and didn't realize that he had to go for extensions and re-approvals. He apologized about it.

Mr. Astorino: Ok. I'm sure he is up to speed now.

Mr. Showalter: That is fine.

Mr. Kennedy makes a motion on the DiBart & Rosenberg Lot Line Change application, granting a 6-Month Extension & Re-Approval of Final Approval of a proposed Lot Line Change, situated on tax parcels SBL # 19-1-21 & 22; parcels located on the northern side of West Lake Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. Conditional Final Approval was granted on 8/21/13.

The 6 Month Extension becomes effective on 2/21/14.

The Re-Approval of Final Approval becomes effective on 8/21/14, subject to the conditions of Final Approval granted on 8/21/13. (See attached)

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

7. Planning Board to discuss canceling the 8/25/14 Work Session & 9/3/14 Planning Board Meeting due to the Labor Day Holiday.

Mr. Kennedy makes a motion to cancel the 8/25/14 Work Session & 9/3/14 Planning Board Meeting.

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

8. Planning Board Minutes of 7/16/14 for PB Approval.

Mr. Kennedy makes a motion to Approve the Planning Board Minutes of 7/16/14.

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

Correspondences:

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

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

Mr. Astorino: If there is anyone in the audience wishing to address any of the agenda items, please rise and state your name for the record. Let the record show no public comment. Regarding our next Work Session on September 8th, if we don't have a huge amount coming in, I can't make it to the Work Session on September 8th. If the Board is ok with it, maybe we can do the Work Session on September 9th. If not, then Roger you would have to take over the Work Session on September 8th.

Ms. Little: I won't be able to make it on September 9th.

Mr. Showalter: Yes. That is tough. Connie, what is that Work Session look liking?

Mr. Astorino: We will know more on August 27th.

Connie Sardo: I'll know more by the end of the day on August 27th. I am expecting to come in approximately 3 new lot line changes and a site plan application for a dog training facility.

Mr. Showalter: What about if we put the Work Session off until September 10th?

Mr. Astorino: If we have to we will do it on September 8th. Let us wait until we see what comes in.

Mr. Showalter: September 10th would be better.

Mr. Astorino: Ok. Let us wait and see what comes in on August 27th. If we have to, we could do the Work Session on September 10th.

Mr. Showalter: September 10th would work.

Mr. Astorino: We will inform everyone by email about the Work Session and when Shah's site visit will be.

Mr. Showalter makes a motion to adjourn the August 20, 2014 Planning Board Meeting.

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