

TOWN OF WARWICK PLANNING BOARD

August 21, 2013

Members present: Chairman, Benjamin Astorino
Roger Showalter, Vice-Chairman
Dennis McConnell, Beau Kennedy,
Paul Ruszkiewicz, Christine Little, Alternate
Laura Barca, HDR Engineering
John Bollenbach, Planning Board Attorney
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, August 21, 2013 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:

Jerry & Donna Melay and Estate of Penaluna

Application for Sketch Plat Review of a proposed Lot Line Change, situated on tax parcels S 58 B 1 L 49 and L 50; parcels located on the westerly side of Lakes Road (1794 Lakes Road), in the MT zone, of the Town of Warwick.

Representing the applicant: James Dillin, PLS. Denise Brightbill, Applicant.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 08/19/13 no comments at this time
4. Architectural Review Board comments: pending
5. OC Planning Department: 08/14/13 no advisory comments
6. OCDPW: pending
7. Applicant must show the septic system location for the developed property involved with this lot line change.
8. Although 58-1-49 (the smaller parcel) may be slightly more conforming; it still does not comply with the bulk requirements for this zoning district.
9. Site distance and roadway speed limit must be shown §137 Appendix F(2).
10. Federal wetlands map (NWI) with the project area clearly marked must be submitted.
11. The table of the Town's five overlay districts must be added to the drawing.
12. The 9-1-1 address must be included on Sheet 1 in a table format with the tax id number.
13. Applicant to state on plans that lots will be in conformance with §164-43.4 (lighting) of the Town Code.
14. Surveyor to certify that iron rods have been set at all property corners.
15. The declaration for any overlay notes must be added to the plans.
16. The recording information for the two new parcel deeds must be submitted.
17. Payment of all fees.

The following comment submitted by the Conservation Board, dated 8/21/12:

Jerry & Donna Melay and Estate of Penaluna - The CB has no comment at this time, pending applicant's submission of a map showing septic location, wetland area(s) and overlays.

The following comment submitted by the ARB:

Jerry & Donna Melay and Estate of Penaluna – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: The SEQR comment has been prepared by Mr. Ted Fink, dated 8/21/13: *“This is a proposed land swap between two lots of record. Nevertheless, it is subject to SEQR so I have prepared a lead agency resolution for the Board. There being no other involved agencies, the Planning Board can declare itself lead agency. There is no construction or physical alteration of land proposed in association with this re-subdivision so I have also prepared a draft Negative Declaration and a Draft Resolution adopting the Negative Declaration so the Board can comply with SEQR procedures. No other SEQR action needs to be taken”.*

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: Melay & Estate of Penaluna Re-Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by Jerry & Donna Melay and Estate of Penaluna for a ± 2.2292 acre parcel of land located at Lakes Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 6/13/13 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.

James Dillin: This is a simple lot line change. It is an equal area swap. It is to make both lots the exact same size. The nature of it is to clear up an encroachment issue.

Comment #3: Conservation Board comments: 08/19/13 no comments at this time

Comment #4: Architectural Review Board comments: pending

Comment #5: OC Planning Department: 08/14/13 no advisory comments

Comment #6: OCDPW: pending

Comment #7: Applicant must show the septic system location for the developed property involved with this lot line change.

James Dillin: Yes.

Comment #8: Although 58-1-49 (the smaller parcel) may be slightly more conforming; it still does not comply with the bulk requirements for this zoning district.

Mr. Astorino: It is making both lots more conforming than the non-conforming that they were.

Laura Barca: Right. Because they had the encroachment issue before. It certainly would make it better.

Mr. Astorino: Yes.

Denise Brightbill: The problem that we have is that this was a Grandfathered lot. We don't want it to be still Grandfathered.

Mr. Astorino: No. It won't be.

Denise Brightbill: Ok. That won't count as being subdivided.

Mr. Astorino: No. It is just moving the lot line change where it is shown.

Denise Brightbill: Ok. Thank you.

Mr. Astorino: You are welcome.

Comment #9: Site distance and roadway speed limit must be shown §137 Appendix F(2).

James Dillin: No problem.

Comment #10: Federal wetlands map (NWI) with the project area clearly marked must be submitted.

James Dillin: Will do.

Comment #11: The table of the Town's five overlay districts must be added to the drawing.

James Dillin: Will do.

Comment #12: The 9-1-1 address must be included on Sheet 1 in a table format with the tax id number.

James Dillin: Yes.

Comment #13: Applicant to state on plans that lots will be in conformance with §164-43.4 (lighting) of the Town Code.

James Dillin: Yes.

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

James Dillin: Yes.

Comment #15: The declaration for any overlay notes must be added to the plans.

Mr. Astorino: I don't believe there are any. Is that correct?

Mr. Bollenbach: Is it in the Ridgeline Overlay District? What is around there?

Laura Barca: I didn't double check.

Mr. Astorino: Is that in the Ridgeline Overlay District?

Mr. Bollenbach: I don't know. If they are, they would have to be included on the map. There would have to be a declaration. Since this is in the Penaluna area, there would be notes regarding the landfill. That would have to be checked. I don't know if that applies or not.

Mr. Astorino: Ok.

Comment #16: The recording information for the two new parcel deeds must be submitted.

James Dillin: Yes.

Comment #17: Payment of all fees.

James Dillin: Yes.

Mr. Astorino: Do any Board members or Professionals have any comments? Seeing that there are none and there is no construction proposed, does the applicant wish to waive the public hearing?

James Dillin: Yes. We wish to have the public hearing waived.

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

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

Mr. Ruszkiewicz makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: Melay & Estate of Penaluna 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 between two existing lots of record, 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 6/13/2013, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

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

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

Mr. McConnell: I just wanted to point out reading through the Negative Declaration the description, what is being transferred is 0.0741 acres. It is really a diminious sort of thing. I just wanted to mention that.

Mr. Astorino: Ok.

Mr. Showalter makes a motion on the Jerry & Donna Melay and Estate of Penaluna application, granting Final Approval for a proposed Lot Line Change, situated on tax parcels S 58 B 1 L 49 and L 50; parcels located on the westerly side of Lakes Road (1794 Lakes Road), in the MT zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on August 21, 2013. Approval is granted subject to the following conditions:

1. Applicant must show the septic system location for the developed property involved with this lot line change.
2. Although 58-1-49 (the smaller parcel) may be slightly more conforming; it still does not comply with the bulk requirements for this zoning district.
3. Site distance and roadway speed limit must be shown §137 Appendix F(2).
4. Federal wetlands map (NWI) with the project area clearly marked must be submitted.
5. The table of the Town's five overlay districts must be added to the drawing.
6. The 9-1-1 address must be included on Sheet 1 in a table format with the tax id number.
7. Applicant to state on plans that lots will be in conformance with §164-43.4 (lighting) of the Town Code.
8. Surveyor to certify that iron rods have been set at all property corners.
9. The declaration for any overlay notes must be added to the plans.
10. The recording information for the two new parcel deeds must be submitted.
11. Payment of all fees.

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

James Dillin: Thank you.

Denise Brightbill: Thank you.

Ralph DiBart and Harold & Yvonne Rosenberg

Application for Sketch Plat Review of a proposed Lot Line Change, situated on tax parcels S 19 B 1 L 21 and L 22; parcels located on the northern side of Western Lake Road, in the RU zone, of the Town of Warwick.

Representing the applicant: James Dillin, PLS.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 08/19/13 no comments at this time
4. Architectural Review Board comments: pending
5. OC Planning Department: 08/14/13 no advisory comments
6. Although 19-1-22 (the smaller parcel) is more conforming; it still does not comply with the bulk requirements for this zoning district.
7. Applicant must show the wells and septic systems for the two properties involved with this subdivision.
8. Site distance and roadway speed limit must be shown §137 Appendix F(2).
9. Federal wetlands map (NWI) with the project area clearly marked must be submitted.
10. The table of the Town's five overlay districts must be added to the drawing.
11. The 9-1-1 address must be included on Sheet 1 in a table format with the tax id number.
12. Applicant to state on plans that lots will be in conformance with §164-43.4 (lighting) of the Town Code.
13. Surveyor to certify that iron rods have been set at all property corners.
14. The declaration for any overlay notes must be added to the plans.
15. The recording information for the two new parcel deeds must be submitted.
16. Payment of all fees.

The following comment submitted by the Conservation Board, dated 8/21/13:

Ralph DiBart and Harold & Yvonne Rosenberg - The CB has no comment at this time, pending applicant's submission of a map showing septic location, wetland area(s) and overlays.

The following comment submitted by the ARB:

Ralph DiBart and Harold & Yvonne Rosenberg – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: This SEQR comment has been prepared by Mr. Ted Fink, dated 8/21/13: *"This is also a proposed land swap between two lots of record. Nevertheless, it is subject to SEQR so I have prepared a lead agency resolution for the Board. There being no other involved agencies, the Planning Board can declare itself lead agency. There is no construction or physical alteration of land proposed in association with this re-subdivision so I have also prepared a draft Negative Declaration and a Draft Resolution adopting the Negative Declaration so the Board can comply with SEQR procedures. No other SEQR action needs to be taken"*.

Mr. Showalter makes a motion for Lead Agency.

Seconded by Mr. Ruszkiewicz. 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: Dibart & Rosenberg Re-Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by Ralph Dibart, Harold et al, for a ± 15.3962 and 2.4998 acre parcel of land located at West Lake Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 7/23/13 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. Dillin: This is a transfer of 1-acre that Mr. Rosenberg has. He has 15 acres. Looking at the map, you could see where his house is located. It is 400 feet away from his line. He wants to be a good neighbor and sell off a piece of his property which is 1-acre to Mr. DiBart. It is a simple lot line change.

Comment #3: Conservation Board comments: 08/19/13 no comments at this time

Comment #4: Architectural Review Board comments: pending

Comment #5: OC Planning Department: 08/14/13 no advisory comments

Comment #6: Although 19-1-22 (the smaller parcel) is more conforming; it still does not comply with the bulk requirements for this zoning district.

Mr. Astorino: We understand that.

Comment #7: Applicant must show the wells and septic systems for the two properties involved with this subdivision.

James Dillin: Yes. We will add that.

Comment #8: Site distance and roadway speed limit must be shown §137 Appendix F(2).

James Dillin: Yes.

Comment #9: Federal wetlands map (NWI) with the project area clearly marked must be submitted.

James Dillin: Yes.

Comment #10: The table of the Town's five overlay districts must be added to the drawing.

James Dillin: Yes.

Comment #11: The 9-1-1 address must be included on Sheet 1 in a table format with the tax id number.

James Dillin: Yes.

Comment #12: Applicant to state on plans that lots will be in conformance with §164-43.4 (lighting) of the Town Code.

James Dillin: Yes.

Comment #13: Surveyor to certify that iron rods have been set at all property corners.

James Dillin: Yes.

Comment #14: The declaration for any overlay notes must be added to the plans.

James Dillin: Yes.

Comment #15: The recording information for the two new parcel deeds must be submitted.

James Dillin: Yes.

Comment #16: Payment of all fees.

James Dillin: Yes.

Mr. Astorino: Do any Board members or Professionals have any comments? Seeing that there is none and there is no construction proposed, does the applicant wish to waive the public hearing?

James Dillin: Yes. We would like to have the public hearing waived.

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

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

Mr. Showalter makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: Dibart & Rosenberg 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 between two existing lots of record, 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 7/23/2013, 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. Ruszkiewicz makes a motion on the Ralph DiBart and Harold & Yvonne Rosenberg application, granting Final Approval for a proposed Lot Line Change, situated on tax parcels S 19 B 1 L 21 and L 22; parcels located on the northern side of Western Lake 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 21, 2013. Approval is granted subject to the following conditions:

1. Although 19-1-22 (the smaller parcel) is more conforming; it still does not comply with the bulk requirements for this zoning district.
2. Applicant must show the wells and septic systems for the two properties involved with this subdivision.
3. Site distance and roadway speed limit must be shown §137 Appendix F(2).
4. Federal wetlands map (NWI) with the project area clearly marked must be submitted.
5. The table of the Town's five overlay districts must be added to the drawing.
6. The 9-1-1 address must be included on Sheet 1 in a table format with the tax id number.
7. Applicant to state on plans that lots will be in conformance with §164-43.4 (lighting) of the Town Code.
8. Surveyor to certify that iron rods have been set at all property corners.
9. The declaration for any overlay notes must be added to the plans.
10. The recording information for the two new parcel deeds must be submitted.
11. Payment of all fees.

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

James Dillin: Regarding Comment #6, we do show it on in the Bulk Table.

Mr. Bollenbach: Yes. That is fine.

James Dillin: Ok. Thank you.

WVLDC Lot #1 Subdivision

Application for Sketch Plat Review of a proposed 10-Lot (**Major**) Subdivision and an application for Site Plan Approval and Special Use Permit, situated on tax parcel S 46 B 1 L 9.1; parcel located on the western side of State School Road 3200 feet south of Kings Highway, in the OI zone, of the Town of Warwick.

Representing the applicant: Ross Winglovitz from Engineering & Surveying Properties.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 08/19/13 site inspection requested; larger map; schedule of application
4. Architectural Review Board comments: pending
5. OC Planning Department: pending submittal
6. Applicant is requesting a waiver for the required cul-de-sac length.
7. Applicant to provide deed of property.
8. Square Rule §137-21.K(1) must be shown for each proposed lot.
9. A roadway profile shall be shown for the proposed road.
10. A roadway cross section detail must be shown for the proposed road.
11. The 9-1-1 addresses must be included on Sheet 1.
12. Applicant to provide a table of threshold values for each criterion as it relates to each lot on the plan set. This table will determine if a specific use can get a building department permit or if Planning Board approval is required. These threshold values will clearly show how much water and sewer capacity is available for this subdivision.
13. Applicant to revise cul-de-sac shape and center as discussed during meetings.
14. Applicant to state on plans that lots will be in conformance with §164-43.1 (signage) of the Town Code.
15. Applicant to state on plans that lots will be in conformance with §164-43.4 (lighting) of the Town Code.
16. Applicant to provide locations for proposed water lines, including connection to the existing water system.
17. Applicant to provide locations for proposed sewer lines, including connection to the existing sewer system.
18. The driveway grading for Lot #8 may need to be completed as part of the roadway grading; otherwise temporary easement may be required to complete the driveway installation.
19. The entity responsible for the ownership and maintenance of the stormwater basins must be identified on the plan.
20. An application must be made to the Town Board to extend the existing water district to include the proposed lots for development.
21. Provide a map note stating that, "No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained."
22. Surveyor to certify that iron rods have been set at all property corners.
23. The declaration for the Agricultural Notes and Aquifer Protection Overlay notes must be added to the plans.
24. Payment of all fees.

The following comment submitted by the Conservation Board, dated 8/21/13:

WVLDC Lot #1 Subdivision - The CB recommends a site visit (scheduled for 8/21) in order to assess slope constraints, location of potential storm water areas, and existing wetlands. The CB's review would benefit from having a larger map to better examine the details of this project. CB would also appreciate a calendar of target dates for action on this project (when such a calendar is available) given the PB review process may be accelerated.

The following comment submitted by the ARB:

WVLDC Lot #1 Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: This SEQR comment has been prepared by Mr. Ted Fink, dated 8/21/13: This is a proposed 10 lot Subdivision of the ± 48 acre Lot #1 on the former Mid-Orange Correctional Facility site. Under SEQR, this action should be classified as a Type 1 Action because there is the potential for the physical alteration of more than 10 acres in association with a non-residential development of the site. The State Department of Environmental Conservation and the County Health Department are involved agencies for the review and approval of a sewer main extension and a water main extension respectively, to serve the subdivision. Therefore, a coordinated review is required. I have prepared a draft Resolution Declaring the Planning Board's Intent to be Lead Agency as well as letters to be circulated to the State and County requesting the Planning Board be designated lead agency.

It has been envisioned that Site Plan and Special Use Permits will also be necessary for future development of the proposed 10 lots. The WVLDC has requested that a full and complete SEQR analysis of the 10 lot subdivision, including future development of the 10 lots, be performed in advance of receiving applications for Site Plan and Special Use Permit approval. This is so that redevelopment of the former prison site is encouraged and enabled, provided it complies with the Town Comprehensive Plan and the Mid-Hudson Advisory Committee's Report. The Committee conducted public visioning meetings for the site's redevelopment and based their recommendations on the Town's Comprehensive Plan. The Committee's full recommendations can be found in their March 2012 Final Report posted on the Town's website at http://www.townofwarwick.org/news/notices/MOAC_FinalReport_Print_rd.pdf.

In order to accomplish this objective, it will be necessary to analyze the extent of future development in the subdivision in such areas as Water, Sewer, Stormwater, Traffic, Wetlands, Cultural Resources, Endangered Species and other SEQR issues such as air, noise, and lighting. The applicant has agreed to provide the necessary studies so that thresholds can be established for future projects that meet the Mid-Orange Advisory Committee's recommendations. In this way, individual projects that do not exceed the thresholds and are consistent with the Comprehensive Plan, Advisory Committee Report, Zoning Law and the SEQR analysis of the 10 lot subdivision, will not be required to perform additional SEQR analysis. However, the Planning Board must first conduct a coordinated review and wait 30 days until the

State and County acquiesce in the Planning Board acting as lead agency for the SEQR review.

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

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

617.6
State Environmental Quality Review (SEQR)
Resolution Establishing Intent to be Lead Agency
Type 1 Action

Name of Action: Warwick Valley LDC Lot #1 Subdivision

Whereas, the Town of Warwick Planning Board is in receipt of a Subdivision application by Warwick Valley Local Development Corporation for a \pm 48.6 acre parcel of land located at State School Road (Lot #1 of the former Mid-Orange Correctional Facility), Town of Warwick, Orange County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated 8/7/13 was submitted at the time of application; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is a Type 1 action because the project may involve the physical alteration of 10 acres or more; 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 other involved and/or federal agencies on this matter including the New York State Department of Environmental Conservation and the Orange County Department of Health.

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

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

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

Comment #2: Applicant to discuss project.

Ross Winglovitz: Ted had said it all in his statement. We are here before you tonight for a 10-Lot subdivision of the Greenfield site of the former Mid-Orange Correctional Facility. The opportunity here is to create and develop some jobs and replace some jobs when the prison was shut down. Ted outlined everything in his statement tonight that I was going to say. We want to move forward with this project to allow us to develop each one of these lots without having to come back before the Planning Board as long as we meet certain thresholds that we establish as part of this review process. Those thresholds would be both SEQR related and site plan related. As we go through the process, we would provide you with the details to establish those thresholds through the SEQR and Site Plan process. We would be willing to respond to any comments that you have.

Mr. Astorino: Ok.

Comment #3: Conservation Board comments: 08/19/13 site inspection requested; larger map; schedule of application

Mr. Astorino: We had done the site visit. Regarding the larger map and schedule of application, I am sure that could be provided to them. Regarding the site visit that we had today, does the Planning Board have any comments or questions.?

Mr. McConnell: No.

Comment #4: Architectural Review Board comments: pending

Comment #5: OC Planning Department: pending submittal

Comment #6: Applicant is requesting a waiver for the required cul-de-sac length.

Mr. Astorino: We were all out there. I don't think that would be an issue. What is the width of the road?

Ross Winglovitz: It is a 30-foot wide road.

Mr. Astorino: It makes sense to have that with trucks going in and out there. Do any Board members have any issues with the waiver of the cul-de-sac length?

Mr. McConnell: I am not familiar with roads and sizes. Is 30 feet something we would look at?

Mr. Astorino: It is wider than a normal road like you see in a subdivision. You will be having tractor trailers going down this road.

Mr. McConnell: How wide is a road like Kings Highway?

Mr. Astorino: Kings Highway is probably 30 feet wide from shoulder to shoulder.

Mr. McConnell: Ok. So, we are talking about something similar like that.

Mr. Astorino: A back road like Belcher Road is about 22 feet wide.

Mr. Bollenbach: Kings Highway would be a good example of it.

Mr. McConnell: Ok. What is the entrance off of Kings Highway?

Mr. Astorino: That intersection is quite wide. That would accommodate it. When you pull into State School Road, take notice on how wide that intersection is. In my eyes, you wouldn't have to mess with that intersection. You would be able to get tractor trailers down there.

Mr. Showalter: You had tractor trailers and buses going in and out of that prison. Dennis, they use to build the modular houses there. There are a couple of garages on the prison site where they use to build modular houses. They were able to get in.

Mr. McConnell: Ok. I was just concerned that 30 feet and what is there already wouldn't create a bottleneck of things.

Mr. Astorino: No. I don't see that.

Mr. Showalter: The bottom line is if you are building a new road, you should build it to make it accept whatever kind of traffic that would be going in there.

Mr. McConnell: Ok.

Mr. Astorino: Are there any other comments on the cul-de-sac length? I think we are all in an agreement on that.

Mr. Ruskiewicz: What about the rain gardens?

Mr. Bollenbach: That is to be determined.

Mr. McConnell: Mr. Chairman, at the Work Session we talked about whether the 30 feet, even though it is as wide as Kings Highway whether, there needs to be some sort of cut outs.

Mr. Astorino: This project will go to the emergency services. We should wait until we get something back from the Fire Department. I don't think ambulance would be an issue. The Fire Department might want something like a pull off half way down.

Mr. McConnell: We don't really know what would be going in there.

Mr. Astorino: Yes. They might come back wanting a jog out or something. We will wait for their response.

Connie Sardo: Have you sent letters and map to the emergency services yet?

Ross Winglovitz: No. I have not sent anything yet.

Connie Sardo: I did send an email out to the emergency services about this project to make them aware of it. I also put this project on the Town's website. It is always good for you to send the letters out with a map. Once you send them out, please copy me the letters.

Ross Winglovitz: Yes. I will.

Comment #7: Applicant to provide deed of property.

Ross Winglovitz: Yes. Once it is available, we will provide it.

Mr. Bollenbach: It is in progress.

Comment #8: Square Rule §137-21.K(1) must be shown for each proposed lot.

Ross Winglovitz: The square rule doesn't specifically call out anything for commercial lots.

Laura Barca: Right.

Mr. Astorino: Ok. We could strike comment #8.

Comment #9: A roadway profile shall be shown for the proposed road.

Ross Winglovitz: Yes.

Comment #10: A roadway cross section detail must be shown for the proposed road.

Ross Winglovitz: Yes. The road would have no curbs.

Comment #11: The 9-1-1 addresses must be included on Sheet 1.

Ross Winglovitz: Will do.

Comment #12: Applicant to provide a table of threshold values for each criterion as it relates to each lot on the plan set. This table will determine if a specific use can get a building department permit or if Planning Board approval is required. These threshold values will clearly show how much water and sewer capacity is available for this subdivision.

Ross Winglovitz: Yes. We would have to work through that with the consultants. It will be based on the existing zoning and the SEQR documents.

Mr. Astorino: The goal is if an applicant goes to the Building Department, they would have a pre-approved lot. They would draw a Building Permit if they meet the threshold criteria.

Ross Winglovitz: Right. If someone is interested in Lot #3, we would tell them that they could have an X amount of building coverage, X amount of sewer and water capacity available along with a designed site plan that meets those criteria. Then they would be allowed to proceed for a Building Permit.

Mr. McConnell: Mr. Chairman, we discussed at the Work Session that the thresholds for that was going to be sort of in the aggregate. Is it now contemplated that those thresholds would be per block?

Ross Winglovitz: It depends what those thresholds are. If it is lot coverage, it would be for per lot.

Mr. McConnell: But, I mean for water, sewer, etc...

Mr. Astorino: It depends on the build out.

Mr. McConnell: Say a purchaser is a water hog, it reduces the amount of water available. This may be a question for the Town Board. Do they want to put a maximum? You could conceivably end up using up all the water and sewer capacity without having sold all of the lots. You have lots that have been approved but can't be built because there isn't capacity available for them. I think that would be something the Town Board might want to answer.

Mr. Astorino: Or the Local Development Corporation. Honestly if they are the ones that are going to be selling or marketing these lots, they would want to know.

Ross Winglovitz: I understand what you are saying. I thought about that. We are looking at that regarding the water and sewer.

Mr. McConnell: Yes. I would hate to think that we end up with a couple of prime lots where you would have no water and sewer available for it. It is unlikely.

Mr. Astorino: It would be in their best interest if they are selling or marketing these lots that they would know about the water and sewer availability.

Mr. McConnell: The pressure at the time on the local development agency may be different than they are at the moment. I am wondering if we shouldn't voice an opinion on having margins of error. But, I think that would be up to the Town Board.

Mr. Astorino: The bottom line is if they are coming through with thresholds for the entire site, how they would want to market or sell it, it would really be out of our hands. If they sell it to a water hog like you had said, that would be their option.

Mr. Bollenbach: That might be where we would factor that into the thresholds to have adequate safeguards.

Mr. Astorino: Ok.

Mr. Bollenbach: Some of the preliminary discussions perhaps would be to allocate 70% of the available sewer and water capacity to these 10 lots. There might also be some additional provisions that if you exceed any of these thresholds, you might have to provide additional capacity. For instance, you could put in an additional well or you put in additional contribution to expand the sewer plant. There should be something in place that says this is your allocation. If it goes over that, then you would have to contact the Town Board.

Mr. Astorino: Ok. Is this going to have its own Water District or would you be tying this into the Wickham Water District?

Michael Sweeton: It would be tied into the Wickham Water District.

Mr. Bollenbach: Yes.

Mr. Astorino: Ok. That makes sense.

Mr. Bollenbach: It is intended to spread the costs.

Mr. Astorino: Ok.

Mr. McConnell: As I had expressed at the Work Session, I don't want to see the Town or the Development Corporation getting backed into a corner.

Mr. Bollenbach: Yes Dennis, that is a very good point. We do plan to factor in something to have a safeguard.

Mr. Astorino: Ok.

Comment #13: Applicant to revise cul-de-sac shape and center as discussed during meetings.

Ross Winglovitz: It will be discussed further.

Comment #14: Applicant to state on plans that lots will be in conformance with §164-43.1 (signage) of the Town Code.

Ross Winglovitz: Yes. We will add that.

Comment #15: Applicant to state on plans that lots will be in conformance with §164-43.4 (lighting) of the Town Code.

Ross Winglovitz: We will add that.

Comment #16: Applicant to provide locations for proposed water lines, including connection to the existing water system.

Ross Winglovitz: That would be part of our detailed design.

Comment #17: Applicant to provide locations for proposed sewer lines, including connection to the existing sewer system.

Ross Winglovitz: That would be part of our detailed design.

Comment #18: The driveway grading for Lot #8 may need to be completed as part of the roadway grading; otherwise temporary easement may be required to complete the driveway installation.

Mr. McConnell: Which one is Lot #8?

Ross Winglovitz: We will take a look at that one. We could provide an easement.

Comment #19: The entity responsible for the ownership and maintenance of the stormwater basins must be identified on the plan.

Ross Winglovitz: That would be part of the Town's system. It would serve the road primarily. It would have excess capacity for several of the lots.

Mr. Bollenbach: There would be a difference between the Town maintained and the individual maintained. Each site is going to have its own stormwater SWPPP facilities, which would be maintained by the individual lot owners. There would be some type of declaration for the Town to contract maintenance in the event the Owner doesn't maintain it.

Comment #20: An application must be made to the Town Board to extend the existing water district to include the proposed lots for development.

Ross Winglovitz: It is my understanding that the Town will be doing that.

Comment #21: Provide a map note stating that, "No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained."

Ross Winglovitz: I think we would have to modify that. These maps are going to be signed. The individual maps of the lot line are going to be signed by the Chairman. We are going to have to work on some of the language on that to modify it.

Mr. Astorino: Ok.

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

Ross Winglovitz: That will be done at the appropriate time.

Comment #23: The declaration for the Agricultural Notes and Aquifer Protection Overlay notes must be added to the plans.

Ross Winglovitz: We have Agricultural and the Aquifer Protection notes. When the declarations are filed, they will be in it.

Comment #24: Payment of all fees.

Ross Winglovitz: Yes.

Connie Sardo: Mr. Chairman, I have a question for the applicant. You will need to submit the Site Plan and Special Use Permit application to us.

Ross Winglovitz: Yes.

Mr. Astorino: Any comments or concerns from the Board?

Mr. McConnell: I have a question regarding Comment #15. Regarding the Lighting Code, I know there are lights that are out there. Has anyone seen on a survey if those lights are there are presently in conformance? If they are not, is it intended that those lights would be removed?

Mr. Bollenbach: I think some of those lights are of historical significance. I believe they will likely be retained.

Mr. Astorino: Do you mean the lanterns coming in?

Mr. McConnell: Yes.

Mr. Astorino: Are you talking about the lights on the building?

Mr. McConnell: No. I am talking about the lanterns.

Ross Winglovitz: They are probably within the Town's Right-Of-Way.

Mr. McConnell: John, when you say they have a historical significance, has that been an official determination somehow?

Mr. Bollenbach: It has been identified in some documentation that the types of fixture, lantern, or what have you that there was a desire for them to be preserved. I don't know the precise answer to that Dennis.

Mr. McConnell: Ok.

Mr. Bollenbach: It was something that was identified that was of some significance. What level it arose to, I don't know.

Mr. McConnell: Because this is such a blank statement, that is why I asked the question.

Mr. Bollenbach: It just applies to the new lots.

Mr. McConnell: Ok. That answers the question.

Mr. Astorino: I would suggest that the Board sets this for a public hearing at the next available agenda once the applicant gets the information back to us. I don't see a need for another meeting.

Mr. Bollenbach: As things progress, it doesn't mean the next meeting that we have would have to be a public hearing. We might want to discuss the issues further. But at least have it available if it is ready for a public hearing, then we could go forward.

Mr. McConnell: I would think until we get the thresholds reports defined, and then we could proceed further.

Mr. Astorino: Right. There is a process that they would have to go through. We would have to review it anyhow.

Mr. Bollenbach: We might just review it at a Work Session and provide our comments. They could be defined. It all depends how much we want to do at a public meeting or at a Work Session.

Connie Sardo: I have also circulated this application to the other Involved Agencies.

Mr. Astorino: Ok. Does the Board want to set this application for a public hearing?

Mr. Showalter makes a motion to set the WVLDC Lot #1 Subdivision for a Preliminary Public Hearing at the next available agenda.

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

Ross Winglovitz: Thank you.

Other Considerations:

1. Planning Board to discuss canceling the 8/26/13 Work Session & 9/4/13 Planning Board Meeting due to the Labor Day Holiday.

Mr. Showalter makes a motion to Cancel the 8/26/13 Work Session & 9/4/13 Planning Board Meeting.

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

2. Planning Board Minutes of 8/7/13 for Planning Board Approval.

Mr. Kennedy makes a motion to Approve the Planning Board Minutes of 8/7/13.

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

3. **BCM Development** – Letter from Tony Ciallella, Applicant addressed to the Planning Board, dated 8/18/13 in regards to the BCM Subdivision – requesting “**3rd 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 # 44-1-1-133; parcel located along the northerly side of State Highway 17A 500 feet east of Ketchum Road and Pumpkin Hill Road, in the SL zone, of the Town of Warwick. Conditional Final Approval was granted on 9/1/10. The 3rd Re-Approval of Final Approval becomes effective on 9/1/13; subject to the conditions of final approval granted on 9/1/10.

Mr. Kennedy makes a motion on the BCM Development application, granting **3rd 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, State of New York, subject to the conditions of Final Approval granted on, 9/1/10. (See attached).

The 3rd Re-Approval of Final Approval becomes effective on 9/1/13.

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

Correspondences:

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

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

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

Mr. Kennedy makes a motion to adjourn the August 21, 2013 Planning Board Meeting.

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