TOWN OF WARWICK PLANNING BOARD
September 19, 2012

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, September 19, 2012 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

PUBLIC HEARING OF Bruce Zivari

Application for Site Plan Approval for an Excavation Permit for the removal of debris from previous landowner Town Code Chapter 150 – excavation permit for the removal of logs and stumps, entitled Ryanco, LLC., situated on tax parcel S 61 B 1 L 56.2; project located on the western side of Penaluna Road 600 feet north of Old Tuxedo Road (107 Penaluna Road), in the MT zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Dave Griggs, ERS Consultants.

Connie Sardo: Mr. Chairman, I have just received the certified mailings for the Bruce Zivari/Ryanco public hearing.

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – 08/03/10 concerns that mulching on-site could lead to excess nutrients in stream that could lead to Lake; 07/30/12 ensure that HDR comments are addressed.
4. Architectural Review Board – 08/01/12 no comments at this time
5. OC Planning Department – 08/13/10; no advisory comments
6. Engineering calculations indicating amounts of materials to be excavated, location of storage piles, and soil erosion have not been submitted; grading plan submitted not signed by a Professional Engineer.
7. The Application Form should be revised to show that only site plan approval is being requested.
8. Plans are required to be signed/sealed by a land surveyor.
9. The areal extent of the seeding application area must be shown/described, in addition to any needs for top soil placement prior to seeding.

10. The wetland note has been added, but I believe that the correct date must have been 12/16/11, not 12/16/12.
11. 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."
12. Provide a Road Repair Bond to Planning Board Engineer and Attorney's specifications in the event that the truck traffic causes damage to the Town roads.
13. The Applicant shall take appropriate stabilization measures, per Design Engineer, if a major storm event is expected in the area.
14. Establish an inspection schedule and escrow account for Planning Board Engineer to conduct site inspections.
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, dated 9/19/12:

Bruce Zivari - The CB is concerned about erosion control and surface water runoff during and after the stump removal. The site should be able to withstand prolonged heavy rain as has been occasionally experienced in our region. Appropriate steps should also be taken to minimize the tracking of soil onto adjacent roads. The CB also recommends that periodic inspections by the town engineer be made in order evaluate the operation and insure that there is minimal deterioration of the soil base that may lead to erosion – particularly if there is a forecast of a significant weather event. Additionally, the plan calls for seeding the disturbed soil. If the removal operation concludes after the seasonal growth has slowed or stopped, what is the plan to stabilize the soil base over the winter?

The following comment submitted by the ARB, dated 9/19/12:

Bruce Zivari – The ARB has no comment.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This application is subject to SEQR. The Planning Board has declared itself Lead Agency. It is an Unlisted Action. We have been reviewing the application with the short EAF. As of today, the applicant has submitted revised plans. They have addressed issues that were raised under SEQR. I have prepared a draft Negative Declaration for the Board's consideration.

Comment #2: Applicant to discuss project.

Comment #3: Conservation Board – 08/03/10 concerns that mulching on-site could lead to excess nutrients in stream that could lead to Lake; 07/30/12 ensure that HDR comments are addressed.

Mr. Astorino: There will be no mulching on the site. That will not be happening.

Comment #4: Architectural Review Board – 08/01/12 no comments at this time.

Laura Barca: Ben, there are CB comments, dated 9/19/12.

Mr. Astorino: Yes. Dennis, could you read the CB comment?

Mr. McConnell reads the CB comment, dated 9/19/12 for the record as follows: "*The CB is concerned about erosion control and surface water runoff during and after the stump removal. The site should be able to withstand prolonged heavy rain as has been occasionally experienced in our region. Appropriate steps should also be taken to minimize the tracking of soil onto adjacent roads. The CB also recommends that periodic inspections by the town engineer be made in order evaluate the operation and insure that there is minimal deterioration of the soil base that may lead to erosion – particularly if there is a forecast of a significant weather event. Additionally, the plan calls for seeding the disturbed soil. If the removal operation concludes after the seasonal growth has slowed or stopped, what is the plan to stabilize the soil base over the winter?"*

Mr. Astorino: It sounds like they were at our Work Session. We will address all of these as we go through them. I believe they are all in the plan on what we had discussed at the Work Session.

Comment #5: OC Planning Department – 08/13/10; no advisory comments.

Comment #6: Engineering calculations indicating amounts of materials to be excavated, location of storage piles, and soil erosion have not been submitted; grading plan submitted not signed by a Professional Engineer.

Dave Griggs: The Engineering calculations are the cubic yards of material. It is the straight forward calculation of the site depth times the square footage. That is what is represented on here. Would you like the calculations on the plan and have our P.E. sign them?

Laura Barca: Yes.

Mr. Bollenbach: Ok. We will add to comment #6, to provide.

Comment #7: The Application Form should be revised to show that only site plan approval is being requested.

Laura Barca: It is not special use permit. It is just site plan.

Dave Griggs: Ok.

Comment #8: Plans are required to be signed/sealed by a land surveyor.

Dave Griggs: We provided you with the property boundary that was signed and sealed by the Land Surveyor. We will have our Engineer sign this. Do you still want this?

Mr. Bollenbach: Yes. You would have to have the metes and bounds first before you could provide the locations on the map. We would like to have them verified.

Dave Griggs: Ok. No problem.

Comment #9: The areal extent of the seeding application area must be shown/described, in addition to any needs for top soil placement prior to seeding.

Dave Griggs: Ok. That has been identified as an area of disturbance. We will call that out as well.

Laura Barca: Yes.

Mr. Bollenbach: Dave, could you explain how the areas would be stabilized passed the growing season?

Dave Griggs: Yes. At this point, we do not anticipate that they are going to get to anymore working operations. Once this permit is done, we would have to go back to the DEC with the consent order. That would not be happening until next month. At this point, we don't see much going on.

Mr. Bollenbach: Is there any need for temporary seeding right now?

Dave Griggs: Yes. We will get to temporary seeding. The plan also shows silt fences. That was part of soil erosion control.

Mr. Bollenbach: Ok.

Laura Barca: John, the Stop Work Order at the site is from the Town. If they receive Planning Board approval and satisfy the conditions, then what?

Mr. Bollenbach: It could be lifted to the extent necessary to stabilize the area.

Laura Barca: Ok. But, they are not to continue the operation.

Mr. Bollenbach: Correct. They are not to continue the operation. It is just the remediation stabilization.

Laura Barca: Ok.

Dave Griggs: Ok.

Comment #10: The wetland note has been added, but I believe that the correct date must have been 12/16/11, not 12/16/12.

Dave Griggs: Yes. We will revise that.

Comment #11: 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."

Dave Griggs: We will provide that.

Mr. Bollenbach: That goes hand in hand in what we previously described as a Stop Work Order.

Mr. McConnell: John, could we add in there beyond use?

Mr. Bollenbach: I think it is pretty much generic.

Mr. McConnell: Do you feel comfortable with it?

Mr. Bollenbach: Yes.

Mr. McConnell: Ok.

Comment #12: Provide a Road Repair Bond to Planning Board Engineer and Attorney's specifications in the event that the truck traffic causes damage to the Town roads.

Dave Griggs: Yes.

Comment #13: The Applicant shall take appropriate stabilization measures, per Design Engineer, if a major storm event is expected in the area.

Dave Griggs: Yes.

Comment #14: Establish an inspection schedule and escrow account for Planning Board Engineer to conduct site inspections.

Dave Griggs: Yes.

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

Dave Griggs: Yes.

Comment #16: Payment of all fees.

Dave Griggs: Yes.

Mr. Astorino: Do any Board Members or Professionals have any other comments or concerns? This is a Public Hearing. If there is anyone in the Audience wishing to address the Bruce Zivari/Ryanco application, please rise and state your name for the record.

Warring Abbott: I have many questions for the applicant. Why isn't the applicant here himself?

Mr. Astorino: He doesn't have to be here. His Professional represents him.

Warring Abbott: Who is this person?

Mr. Astorino: This is his Professional. It is his Consultant.

Dave Griggs: I am the Environmental Planner.

Warring Abbott: Ok. You are asking him so many engineering questions that are still not signed by an Engineer.

Mr. Bollenbach: That is prior to the maps being finalized.

Warring Abbott: Ok. I have an engineering question. How much material is on this site right now?

Mr. Astorino: Do you mean as to what is to be removed?

Warring Abbott: Yes.

Laura Barca: Dave, do you have that information?

Dave Griggs: No. I don't have that available.

Mr. Bollenbach: That would be in Comment #6. The applicant is to provide the calculations indicating the amounts of materials to be excavated.

Warring Abbott: Shouldn't that be provided?

Mr. Astorino: We will have that information before the maps are signed.

Warring Abbott: How does the applicant know how much is there? What methods are they using to determine what is there?

Mr. Astorino: Dave, do you want to elaborate on that?

Dave Griggs: We have done some testing and excavation out at the site with the State and the Town Engineer. We went out and done excavation pits to determine the depth. Those areas were measured out to calculate the cubic yards of material.

Warring Abbott: But you don't have those figures. Is that correct?

Dave Griggs: I had it before at the previous Planning Board meeting.

Laura Barca: It has been submitted before.

Warring Abbott: But it is not available to the public.

Mr. Astorino: It is available to the public.

Warring Abbott: Ok. How do we get that?

Mr. Astorino: You could go to the Planning office.

Warring Abbott: Ok. Who will be doing this remediation work?

Mr. Astorino: I believe the applicant has a contractor that they have hired or retained? That is one of our concerns. It is our concern on who they hire. It has to be done properly.

Warring Abbott: That is my next question. My concern is that the person that they are retaining, if they have any connection with the former owner, Hannaburgh, who created this situation.

Mr. Astorino: We cannot tell the applicant who to hire, but we could monitor it to be done properly. There would be inspections and everything else. I don't know who their contractor is.

Warring Abbott: Why don't they tell the Board who they are hiring?

Mr. Bollenbach: There will be a pre-construction pre-excavation meeting.

Warring Abbott: Would we get any notification of that?

Mr. Astorino: No. That is their right to hire someone. It would still have to be done properly to the Board's specifications.

Warring Abbott: As to the methods they use to remediate this, if this had already been determined at a work meeting….

Mr. Astorino: We have discussed this with the DEC and at our Workshops. There is no onsite mulching. It is to be removed, separated, and hauled out of there.

Warring Abbott: It sounds like to me that there has been mulching going on at the site within the last 3 months. Are you telling me there hasn't been?

Dave Griggs: There has been no mulching going on at the site.

Warring Abbott: Ok. Then, what is the machine that has been working there?

Dave Griggs: It is an excavator.

Warring Abbott: Ok. That is interesting. Is there going to be any material brought into the site?

Dave Griggs: No.

Warring Abbott: Are you positively on that?

Dave Griggs: Positively, it is not.

Warring Abbott: What is the timeline for the remediation?

Dave Griggs: It is when we obtain the permits, weather conditions, and the DEC.

Warring Abbott: You with the Board were referring to something that you wanted to lift for the applicant.

Mr. Astorino: We were talking about the Stop Work Order.

Warring Abbott: Doesn't the DEC also have a Stop Work Order on this site?

Dave Griggs: No. They don't.

Mr. Astorino: The only reason the Town would lift the Stop Work Order is so that they could meet the stabilization measures and erosion control.

Warring Abbott: So, there is not going to be any mulching done on the premises.

Mr. Astorino: No.

Mr. Bollenbach: That question has been answered previously. Do you have another question?

Warring Abbott: How do I get more information as to what you guys are doing with the applicant?

Mr. Astorino: As far as what?

Warring Abbott: As far as what you are going to permit him to do?

Mr. Astorino: They are going to give us cubic yards of material. They are going in with excavators. They are going to separate the material of stumps, soil, etc… The stumps are to be loaded out on trucks and hauled out on a specific route. They would end up at a material processor.

Warring Abbott: When would the applicant be providing answers to the Board on all the stuff you went through tonight?

Mr. Astorino: It all depends on when they want to get their approval and the maps signed. We will not sign the maps until we receive this information and it is done properly.

Warring Abbott: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Bruce Zivari/Ryanco application?

Claudia Eckert: I live across the road from this site. What are the Excavators doing?

Mr. Astorino: They shouldn't be doing anything right now.

Claudia Eckert: Ok. There has been hauling going on. When did the Stop Work Order go into effect?

Laura Barca: There has been no construction since the Stop Work Order was given by the Building Department.

Claudia Eckert: What was the date of that?

Laura Barca: I would have to check with the Building Department.

Mr. Astorino: It was awhile ago. It was at least a couple of months ago.

Claudia Eckert: Recently there have been trucks going through.

Dave Griggs: What they have done recently was to take those machines off the site. They needed to use those machines on another piece of property.

Claudia Eckert: I have seen loaded trucks coming in and out.

Dave Griggs: That is what they have been doing. They have been loading the trucks to take construction equipment that they need to take off the site to another site.

Mr. Astorino: So, what you are saying is that you have seen materials stocked?

Claudia Eckert: These are fully loaded trucks with stumps.

Laura Barca: It is not loaded with a machine?

Claudia Eckert: No. It is not with a machine. Our concern is with the noise and the dirt.

Mr. Astorino: The noise would fall under the Town's Noise Ordinance. They would have to follow the Code.

Claudia Eckert: What are those hours?

Mr. Astorino: I believe it is from 7am to 7pm Monday through Saturday.

Claudia Eckert: Ok. We are mostly concerned about our wells and runoff. That was an old landfill that was there.

Mr. Astorino: That is a whole separate issue. At this point, they are not digging down to affect the water table. The erosion control would definitely be looked at and maintained. You are across the road. I have walked this site. My biggest point was to the back where there would be the most excavation. That is not even remotely close to you.

Claudia Eckert: Ok. Could anyone on the Planning Board answer my question regarding the old landfill and the EPA on how a well should be tested?

Mr. Bollenbach: You could take a look at the standard map notes. If there is new construction within the area, there is a monitoring procedure.

Mr. Astorino: I think she was talking about the EPA monitoring.

Mr. Bollenbach: What we have is a protocol to monitor and test for different chemicals within a radius of the landfill.

Claudia Eckert: Who would I contact?

Mr. Bollenbach: You could contact the Planning office. You could get copies of those notes.

Claudia Eckert: The EPA is supposed to make recommendations to the Town.

Mr. Astorino: I don't know about that.

Mr. Bollenbach: The Town has recommendations.

Mr. McConnell: Do you think the Town is supposed to be testing your well?

Claudia Eckert: Yes, either the Town or EPA.

Mr. McConnell: I don't think that is what our understanding is. There may be recommendations for individuals who are concerned about their wells. I don't think the Town is supposed to test them.

Claudia Eckert: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Bruce Zivari/Ryanco application?

David Khvedelidze: Regarding the noise, I go there to start the machines. That is all. I cannot use the machines for 3 months. There is nothing going on. The only thing going on is just the starting of the machines. We are not doing anything.

Mr. Astorino: What Mr. Khvedelidze had said is that he is the owner of the equipment. He goes to the site on a weekly basis to start the equipment and move them around. You cannot just leave the equipment sitting there 3 months at a time without letting them run. Is there anyone else wishing to address the Bruce Zivari/Ryanco application? Let the record show no further public comment. What is the Board's pleasure?

Mr. McConnell: I think we need more information.

Ms. Little: I agree.

Mr. Astorino: Do you want to wait for some of these engineering documents?

Mr. McConnell: I think that would be prudent.

Mr. Bollenbach: Do you want to adjourn this public hearing to a specific date?

Mr. Astorino: Yes. It will be on October 17, 2012.

Mr. McConnell makes a motion to adjourn the Public Hearing to October 17, 2012.

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

Mr. Astorino: To the residents that came out for this public hearing, this public hearing has been adjourned to October 17, 2012. This is your notice. You will not receive another notice in the mail. The Board would like to see some more information from the Engineer. Mr. Abbott, you could stop at the Planning office to see the file. Connie will pull the file for you.

Warring Abbott: I will be there. Thank you.

Dave Griggs: Thank you.

PUBLIC HEARING OF John Latimer

Application for Preliminary Approval of a proposed 1-Lot (Major) subdivision noted as a "Future Subdivision" omit lot on the prior subdivision map, situated on tax parcel S 33 B 2 L 16; parcel located on the southern side of Cedar Hill Drive 1200± feet southwest of Belcher Road (25 Cedar Hill Drive), in the RU zone, of the Town of Warwick, County of Orange, State of New York

Representing the applicant: John Latimer, Applicant.

Connie Sardo: Mr. Chairman, we just received the certified mailings for the John Latimer public hearing.

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: pending
4. Architectural Review Board comments: 09/12/12 would like to see elevations of the proposed home
5. OC Planning Department: pending
6. OC Department of Health: Approval dated 07/02/12
7. The Town of Warwick has five overlay districts; this information should be added to the plans.
8. The 9-1-1 address for the property must be added to the plan.
9. Applicant has agreed to provide drainage improvements to the satisfaction of the DPW Commissioner (remove vegetation around pipe outlet and re-create swale to existing culvert under the Town Road).
10. The declaration information for any applicable overlay districts shall be added to the plans.
11. Surveyor to certify that iron rods have been set at all property corners.
12. Payment of parkland fees.
13. Payment of all fees.

The following comment submitted by the Conservation Board, dated 9/19/12:

> John Latimer - The CB supports the requirement of drainage improvements and urges caution with the use of machinery to minimize soil and vegetation damage during the cleaning of the outflow.

The following comment submitted by the ARB, dated 9/19/12:

John Latimer - we would again like to see elevations of the proposed home when the applicant has this prepared.

Mr. Astorino**:** Before we get to the comments, I would like to point something out to the Board and the public. This application came to us after Mr. Latimer obtained a building permit through an error of the Town. As you all know, this was an omit lot with no further subdivision.

Mr. Bollenbach: For "Future Subdivision".

Mr. Astorino: Right. For "Future Subdivision", it has to come back before the Planning Board. Unfortunately, there was an error made through the computer system. It did not kick it out. Mr. Latimer went to the Building Department and he received a building permit. He then started to build a home. It was caught by the Town. That is why the applicant is here before us. That is why we are going through the process. I just wanted to give a little heads up on why there is a house sitting there partially built before they came to the Planning Board. That was on the fault of the Town.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The applicant has provided a short EAF. In reviewing the Type 2 thresholds, it does meet the threshold for a Type 2 Action. No SEQR review is necessary.

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

Seconded by Mr. Kennedy. The following Resolution was carried 4-Ayes.

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

Name of Action: Latimer "Omit Lot" Subdivision Approval

Whereas, the Town of Warwick Planning Board is in receipt of a Subdivision application by John Latimer for a ± 3.12 acre parcel of land located at Cedar Hill Drive, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 8/31/12 was submitted at the time of application, and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is a Type 2 Action that meets the thresholds found in 6 NYCRR 617.5(c)(9) and, therefore, SEQR does not apply, and

Whereas, the Planning Board has determined that the proposed project is not in an agricultural district and, therefore, the requirements of 617.6(a)(6) do not apply , and

Whereas, after examining the EAF, the Planning Board has determined that there are no other involved and/or federal agencies on this matter.

Now Therefore Be It Resolved, that the Planning Board hereby declares that no further review under SEQR is required.

Comment #2: Applicant to discuss project.

John Latimer: You said it all. It is in a nutshell.

Mr. Astorino: Do any Board members have any questions for Mr. Latimer? Ok. Let's move on to the rest of the comments.

Comment #3: Conservation Board comments: pending

Mr. Astorino: We have a comment from the Conservation Board. It is dated 9/19/12. It states the following: "*The CB supports the requirement of drainage improvements and urges caution with the use of machinery to minimize soil and vegetation damage during the cleaning of the outflow"*. I just want to give a heads up to the Board. This property runs into a basin which runs down to a storm water retention facility down by East Ridge Road. The Engineer and I went out to the site. We met with Mr. Latimer. That outflow has never been maintained from the way it looks. The drainage seems to be flowing that way. Laura, correct me if I am wrong. The drainage flows to that side.

Laura Barca: Yes.

Mr. Astorino: We told the applicant to go down there and clean the outflow out to the pipe that goes under East Ridge Road.

Mr. Bollenbach: That is to ensure that it would continue to work properly.

Mr. Astorino: Right.

Comment #4: Architectural Review Board comments: 09/12/12 would like to see elevations of the proposed home

Mr. Astorino: We could provide that.

Comment #5: OC Planning Department: pending

Comment #6: OC Department of Health: Approval dated 07/02/12

Mr. Astorino: Laura, was this for the septic?

Laura Barca: Yes. It was part of a major subdivision from the year 1982.

Comment #7: The Town of Warwick has five overlay districts; this information should be added to the plans.

Mr. Astorino: You should also note which ones you are in.

Comment #8: The 9-1-1 address for the property must be added to the plan.

John Latimer: Yes.

Comment #9: Applicant has agreed to provide drainage improvements to the satisfaction of the DPW Commissioner (remove vegetation around pipe outlet and re-create swale to existing culvert under the Town Road).

Mr. Astorino: We just discussed that.

John Latimer: Yes.

Mr. Bollenbach: Is reseeding going to be necessary?

Mr. Astorino: I don't think so. We will touch base on that when you are out there.

Comment #10: The declaration information for any applicable overlay districts shall be added to the plans.

John Latimer: Yes.

Comment #11: Surveyor to certify that iron rods have been set at all property corners.

John Latimer: Yes.

Comment #12: Payment of parkland fees.

John Latimer: Yes.

Comment #13: Payment of all fees.

John Latimer: Yes.

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

Mr. McConnell: Ben, regarding the omit lot, what was the history on that?

Mr. Astorino: I will let John explain that. That was before my time.

Mr. Bollenbach: I believe it was approximately a 35-lot subdivision. There were about 10 or 11 lots of those lots that were deemed to be omit lots. That was conducted by the OCHD. So, those lots could be created but they would not be for residential building purposes at this time until adequacy of the septic, drainage, runoff and other concerns could be addressed.

Mr. McConnell: Ok.

Mr. Bollenbach: Perhaps in the future, there would be different types of septic systems like the Eljen or aerobic design systems that would safely a simulate septic waste.

Mr. McConnell: It was never the case that the omit lots were looked at as being never buildable, but not just at the time.

Mr. Bollenbach: Correct. They would either be deemed labeled as an "omit lot" or as a "future subdivision" for future residential use.

Mr. McConnell: Right.

John Latimer: I believe 7 of the lots out of the 10 lots have already been developed. I think this is the first one coming.

Mr. McConnell: This is not the first one.

Mr. Astorino: There were 7 previous.

Mr. McConnell: Ok. Thank you.

Mr. Astorino: This is a public hearing. If there is anyone in the audience wishing to address the John Latimer application, please rise and state your name for the record.

John Peruso: I could give you a lot of history. This was 30 years that there were 10 omit lots. The position was as a builder, it was to bring these lots in and have homes put on them. Most of these people that I have built homes for over the years, a resistance comes every time we come to the Planning Board. I have a Lot #12 that was here. I have spent more money on that one lot than what the lot was worth. I happened to be in Monroe a couple of weeks ago. I was sitting in front of Best Buy. One of the neighbors comes up to me to tell me that a house was being built on Lot #16. I said to myself, how did that get through? It wasn't the Town that got onto this. It was me. I went to the Town Supervisor. I told him about it. I had something that I had to go through; the same procedure that everyone else had done. I am still going through that routine here. Because of the economy, I had to put a stop on it. Now, I go to the site and see a house going up. The Supervisor had said that he would go and find out the facts. He calls me back and says he's going to put a Stop Work Order on it. I said ok. I go to the site. There is no Stop Work Order on there. There was nothing posted. The work continued to go on. Even this afternoon it was going on. Two wrongs don't make a right here. What is good for one is good for another. I am not against any development. But, I know well the history of this place. When I went to these omit lots, the Health Department and the Planning Board, there were so many records on here. I might be the only guy here that knows what is going on here. Those tests had to be done before May 19th. John Lehman was my Engineer. Now, he is deceased. We cannot get any information from him. But those lots had to be perked before May 19th which was the wet season. They know the problem that is up there. The new systems could deal with that. Unfortunately back then, it was a no. I called Greg Moore. I know him real well. I asked him, when did the tests happen? We had preliminary tests done on this lot on March 7th. We received percs between 39 to 58 minutes. On June 14th, we had done a joint site test. We were receiving a 13 minute perc. It happens in there. The water table was 36 inches in March. It was 48 inches in July. Why does this lot not adhere to all of the other omit lots? I had to do tests.

Mr. Astorino: If the County told you to do one thing, I can't speak for the Town.

Mr. McConnell: I don't see any relevance.

John Peruso: This lot is the same as every lot. There is no difference.

Mr. McConnell: Ok. We are not here to talk about those other lots. We are here to talk about Latimer's lot.

John Peruso: These other lots had to go to the Planning Board at that timeframe? It was the Planning Board. I would have to dig it out.

Mr. McConnell: Mr. Chairman, I don't see any relevance.

Mr. Astorino: Mr. Peruso, we understand what you have been through. Laura, apparently this lot was reviewed with the County; they said that this lot passed the septic. Laura, is that correct?

Laura Barca: Yes. The County used their standards. They reviewed and approved it.

John Peruso: Did anybody look at this? This lot was tested at one time. It didn't make it.

Laura Barca: You can see it by looking at the site plan.

John Peruso: I know that. But somewhere in this Planning Board and somewhere in the minutes, they dictated a policy to me the omit lots that these tests had to be done before May 19th.

Mr. Astorino: That was before us.

Mr. McConnell: That has nothing to do with this.

John Peruso: It does have to do with it. That is ridiculous that you would even say something like that.

Mr. McConnell: I am sorry. But as far as I am concerned, we are here to talk about Mr. Latimer's lot, not your other omit lot. You are saying that he ought to be held to the same policy that you were held to. I am saying that is not what we are discussing here.

John Peruso: That lot had belonged to me when that policy was issued. The history of that should have continued. It was a troubled subdivision from day one. I took it. I tried to correct it because the Planning Board based on whatever it was on the policy at that time let all omit lots go.

Mr. McConnell: So, you are here to object to this one.

John Peruso: What I am saying is, how did this happen?

Mr. Astorino: I think what your point is saying is that the previous Planning Board required you on previous lots to test these lots before May 19th. Is that correct?

John Peruso: The omit lots.

Mr. Astorino: At this point, as I pointed out to our Engineer, we are relying on the OCHD. They had done a preliminary test back in March. What were the percs on that back in March?

John Peruso: On March 7th, the percs were 39 and 58. You might have that.

Mr. Astorino: Was that still a passing perc?

Laura Barca: Yes.

Mr. Astorino: Then, they did the percs again. The County Health Department is saying that it was an acceptable perc on that lot. They gave him an approval for that septic system.

John Peruso: Yes.

Mr. Astorino: That is where we are all at. I think we understand that. I don't know where we could deviate from that at this point. We have an approval.

John Peruso: You cannot take that back.

Mr. Astorino: We are not going to take it back.

John Peruso: You cannot take it back. But, you have to understand you set a policy here.

Mr. Astorino: The County set a policy here. The Planning Board did not do this perc test. The County had approved it. On the lot that you had before, correct me if I am wrong. That was the only one that I was on this Planning Board for. You had issues on receiving percs on that lot, if I am not mistaken. I could even go back to the records and pull that. I believe there were issues on receiving the percs at that time.

John Peruso: I will correct you on that. There was no problem. It was no different than any of the omit lots that we had ever done here. It passed with the Health Department.

Mr. Astorino: Then, you had pulled that off the Planning Board for economic reasons.

John Peruso: Yes. Absolutely.

Mr. Astorino: John, you were the only one on here with me. Did we ever see a permit for that? I don't think we have ever seen a permit for that.

John Peruso: I have an approved plan right here.

Mr. Astorino: Ok. I don't think it was ever presented to the Planning Board.

John Peruso: It had come to you.

Mr. Astorino: I don't know about that. We would have to take a look at the file. Let us get back to where we are. Dennis, this is your point exactly. We are discussing Mr. Latimer's application.

John Peruso: This is a public hearing.

Mr. Astorino: Does anybody else have any other issues about the septic being approved by the OCHD?

Mr. McConnell: No.

Mr. Kennedy: No.

Mr. Astorino: Ok. Mr. Peruso, do you have anything else?

John Peruso: What else could I say? I have nothing else.

Mr. Astorino: Ok. Is there anyone else wishing to address the John Latimer application?

Andy Christen: I live right next door. My concern is about the septic system. The winter that we had, with us living there, there was a ton of water that came off that hill. I had lost my pool because of that water situation.

Mr. Astorino: Which spot are you on?

Andy Christen: I am located on the left.

Mr. Astorino: If you look up Mr. Latimer's driveway, you are located to the left. Is that correct?

Andy Christen: Correct.

Mr. Astorino: As I have pointed out to the Engineer, I will also point it out to the Board. I don't believe the water from this lot rolls your way.

Andy Christen: My concern is the septic system. Just go that extra mile. Put some extra stone in that curtain drain.

Mr. Astorino: Again, I am going to go back to the Health Department's approval.

Andy Christen: I know that it works. But there is a water problem there. He's building at a great time now because it is dry.

Mr. Astorino: Just make sure it is done properly as per the plans. That is something that would have to be done. That has to be done on every lot. Laura, do our separations meet the requirements?

Laura Barca: Yes. They do.

Andy Christen: Thank you.

Mr. Astorino: Is there anyone else wishing to address the John Latimer application?

Regina Wittosch: I live on Cedar Hill Drive. I am concerned that we have had one failed septic system. I went to the Town Hall. I had seen the Board of Health's car there. I went right to the Building Department. I told them that the Board of Health was there. I also told them that they never gave an application or a building permit. The Building Department said no and that they would be watching for it.

Mr. Astorino: We are not the Building Department.

Regina Wittosch: I know that. I just wanted you to know that I had done my thing.

Mr. Astorino: It was Mr. Peruso that brought it to the Town's attention. Even with that being said he is in front of the Planning Board now.

Regina Wittosch: I just need you to be sure that this design is not going to fail. It is horrible to go up and down the street and smell sewage. Nobody wants that.

Mr. Astorino: Right. Even Mr. Peruso pointed out that he had done septics and they failed. I think that was even a disgrace back in the 80's. That should not have happened. It was a disgrace that it had happened. We are all aware of it. The County is aware of it. I can't disclaim the County's findings. There is a system that they had installed. I will point out to Mr. Latimer on the record to make sure you do that septic system properly.

Mr. McConnell: The plan for the system, is it a standard type of plan or does it take into account the possibility of special conditions that we are hearing about that maybe it is engineered a little bit beyond of what would be standard?

Mr. Astorino: Have you put in the septic system yet?

John Latimer? No. We have done the curtain drain.

Mr. Bollenbach: Laura, do you want to explain what a curtain drain is and the function of it?

Laura Barca: For a septic system, when you have water come down a hill, what you want to do is divert that surface water away from the leach field. That way it doesn't run over the top of it or through it. It runs around it. That is the purpose of a curtain drain. Is this system above and beyond of what is required? It is what is required for a septic system that is in this situation.

Mr. McConnell: Ok.

Laura Barca: It does have the curtain drain there. If it is installed correctly, it will divert the water around it.

Ms. Little: You said, when it is installed correctly? Would we be sending someone to check on that?

Mr. Astorino: The Building Department would do that. But, if the Planning Board would feel more comfortable to have our Engineer go and check on it, we could do that to.

Mr. McConnell: Yes. That would make sense. We are not talking about increasing Mr. Latimer's obligations here. We just want to make sure it is done having been for warned that your guys are also being watched so that they are not cutting any corners.

John Peruso: These curtain drains are the answers to the problems with these septic systems. When we started to put in the curtain drain, not installed, just trenching around, which the Health Department allows, all of these lots started to perc properly. The problem is not the septic system. It is as long as the curtain drains are put in place properly.

Mr. Astorino: It sounds like our Board is yielding in having our Professional go up and do an inspection of that system while it is being installed. I think that would be a good idea.

Robert Schmick: Could I suggest that a Surveyor maybe do an As-Built while the septic is open?

Laura Barca: There is always an As-Built that is required.

Robert Schmick: It was just a suggestion.

Mr. Astorino: Ok. Thank you. What is the Board's pleasure? Chris, you wanted Laura to go out there to inspect.

Laura Barca: If I am going to be out there during this, his Engineer who's going to certify the system also needs to be there. I witness for the Town. I don't witness for the applicant.

Mr. Astorino: Right. He should be out there regardless.

Mr. McConnell: I think that sounds like a good idea.

Mr. Astorino: I agree. I want to get on the record that we are not stepping on the Building Departments toes. This is just a little double insurance.

Ms. Little: There has been some history here.

Mr. Astorino: You heard from Mr. Peruso. It has been out there forever. Is there anyone else wishing to address the John Latimer application? Let the record show, no further public comment.

Laura Barca: Just to insure that you are covered down the road, Even though it is a 1-Lot subdivision, it should also be filed with the Orange County Clerk's office. The current plan that is there has it as a future subdivision. When you file this 1-Lot subdivision there, it would add additional documentation to show that it is now available for residential purposes. If you go to do a title search, it would come up.

John Latimer: Ok.

Connie Sardo: When you are ready to submit the final maps, we would need 1-set of Mylar and at least 5 or 6 paper copies.

John Latimer: Ok.

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

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

Mr. Kennedy makes a motion on the John Latimer application, granting Preliminary Approval for a proposed 1-Lot (Major) subdivision noted as a "Future Subdivision" omit lot on the prior subdivision map, situated on tax parcel S 33 B 2 L 16; parcel located on the southern side of Cedar Hill Drive 1200± feet southwest of Belcher Road (25 Cedar Hill Drive), in the RU zone, of the Town of Warwick, County of Orange, State of New York. A Type 2 Action was granted on September 19, 2012.

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

Mr. Astorino: Do you wish to waive the Final public hearing?

John Latimer: Yes.

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

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

Mr. Kennedy makes a motion on the John Latimer application, granting Final Approval for a proposed 1-Lot (Major) subdivision noted as a "Future Subdivision" omit lot on the prior subdivision map, situated on tax parcel S 33 B 2 L 16; parcel located on the southern side of Cedar Hill Drive 1200± feet southwest of Belcher Road (25 Cedar Hill Drive), in the RU zone, of the Town of Warwick, County of Orange, State of New York. A Type 2 Action was granted on September 19, 2012. Approval is granted subject to the following conditions:

1. OC Department of Health: Approval dated 07/02/12.
2. The Town of Warwick has five overlay districts; this information should be added to the plans.
3. The 9-1-1 address for the property must be added to the plan.
4. Applicant has agreed to provide drainage improvements to the satisfaction of the DPW Commissioner (remove vegetation around pipe outlet and re-create swale to existing culvert under the Town Road).
5. The declaration information for any applicable overlay districts shall be added to the plans.
6. Surveyor to Certify that Iron Rods have been set at all property corners.
7. Septic Improvements to be witnessed by the Planning Board's Engineer.
8. Payment of Parkland Fees.
9. Payment of All Fees.

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

Mr. Astorino: You will be touching base for your septic permit with the Building Department. Laura, we would let them know. Get the schedule now. We will make it work.

Mr. Bollenbach: Have your Attorney get in touch with me. There are Declarations that has to be filed. There are sample Declarations. They are online.

John Latimer: Ok. Thank you.

Mr. Astorino: When you get ready to do the detention, contact Connie. She will get a hold of us. We will get right out there.

John Latimer: Ok. Thank you.

Review of Submitted Maps:

Watchtower Bible & Tract Society of NY, Inc.

on the applications of ***Watchtower Bible and Tract Society of NY, Inc.***, for Preliminary Site Plan Approval and Special Use Permit for the construction and use of a campus of eight buildings for religious use on approximately 45 acres of previously developed land on a 253 acre site, situated on tax parcels S 85 B 1 L 4.1, 4.2, 5.1 and 5.2; parcels located on the southwest side of Long Meadow Road 6,000 feet north of Sterling Mine Road (CR 72), in the LC zone, of the Town of Warwick, County of Orange, State of New York. On 1/18/12 the Planning Board adopted the FEIS. On 8/1/12 the Planning Board adopted the Findings Statement.

Representing the applicant: Mark Coles and Harvey Castro, Applicants.

The following comment submitted by the Conservation Board, dated 9/19/12:

> Watchtower Bible & Tract Society of NY, Inc. - The CB supports the use of native plantings throughout the project area and concurs with the Town Planner's stated concerns about the use of Eastern Hemlock. This species is known to be highly susceptible to infestation of Hemlock Woolly Adelgid (HWA). The infestation of HWA is rampant throughout the Appalachian range and has been present in Warwick for years. Control of HWA can be achieved by the application of petrochemical pesticides but that course presents additional ecological concerns. The CB recommends the applicant refrain from planting Eastern Hemlock and suggests the use of other native evergreens and/or deciduous trees in its place.

The following comment submitted by the ARB, dated 9/19/12:

Watchtower Bible & Tract Society of NY, Inc. - The FEIS is one of the best we have seen. We look forward to seeing more detailed architectural plans from the applicant, and as we noted in the work Session, we are open to meeting with them. We would appreciate notice from the Secretary so that schedules can be arranged to accommodate this project.

The following review comments submitted by HDR:

General Comments:

1. Planning Board to discuss SEQRA.

   Mr. Fink: SEQR has been fully complied with once the Planning Board had adopted the Findings Statement.

   Mr. Astorino: Laura, I am going to go this way with these comments. What comments here would you like to talk about? I know that a lot of these are engineering comments that have to do with the site plan.

   Laura Barca: Right.

   Mr. Astorino: We have 7 pages of comments here. I am fine with going over the ones that stick out.

Mark Coles: On the 2nd page, under Site Plan Review Comments, discusses that you want more information and details on the tunnels and bridges. Is there something specific that you are looking for that we should be aware of?

Laura Barca: I did not see much information as far as that goes.

Mark Coles: Do you mean structurally? Maybe, you are looking for something about the foundation of it.

Laura Barca: You don't need a complete design at this point. We need to see what they would look like and where they would be. Who would be using them?

Mark Coles: Understood. Thank you.

Laura Barca: You are welcome. Is there anything else that is listed here you would like to go over?

Mr. Astorino: Any comments or questions that you have, you could always contact Laura, Ted, or John while you are going through the process.

Laura Barca: Right.

Mr. Fink: Yes.

Mr. Bollenbach: Yes.

Laura Barca: On the 1st page under Site Plan Review Comments, Comment #1 regarding coordination with O&R for easement for activities within the easement, I am not sure if that is all of them. Are you in conversation with them on that?

Mark Coles: Yes.

Laura Barca: Ok. On the 1st page under Site Plan Review Comments, Comment #3 regarding a demolition plan was not submitted with the site plan. There was no demolition plan submitted. Was there one previously submitted?

Harvey Castro: The demolition of the existing building was done under a different permit. That is almost about to be completed now. We were going back and forth on how to show that should be shown the conditions as they are now after demolition or what?

Mr. Astorino: I would do it after the demolition.

Laura Barca: Yes. If the demolition is done, then show it after it is done.

Harvey Castro: Ok.

Laura Barca: Ok. On page #7, under the Miscellaneous Comments, Comment #2 regarding the box showing the five Overlay Districts in the Town. You should have a little box that shows either yes or no if you are in any of those Districts. Miscellaneous

Comment, Comment #5, regarding the 911 addresses, that should be added to Sheet 1. You would have to speak to Stephanie in the Building Department. She is the one that assigns the 911 numbers. You would have to figure out with your buildings that are there, if there is an emergency, how they would get there to service these buildings. They would be having different addresses. You would need to know how that would work. However that works out, they would need to be shown on the plans. Miscellaneous Comment, Comment #6, states "A note shall be added stating that No construction or use associated with this site plan shall begin until the plans are signed by the Planning Board Chairman and Building Department Permits are obtained". That is all I have for now.

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Mark Coles: Understood.

Mr. Astorino: Ok. We will list HDR's Comments pages 1 through 7 for the record. Do any Board Members have any comments or concerns on HDR's Comments? We also have a Memo from Greenplan, dated 9/19/12. The Memo is stated as follows:

We are in receipt of a Site Plan and Special Use Permit Application dated July 18, 2012. The applications are accompanied by three sets of Site Plans including the following:

- Civil, Landscaping, Architectural and Electrical plans in a 107 sheet plan set dated July 18, 2012.
- Additional Civil plans in a 59 sheet plan set dated July 18, 2012.
- Additional Landscaping Plans in a 7 sheet plan set dated August 15, 2012.

We offer the following comments for the Planning Board's consideration. These comments should not be considered all inclusive. We may have additional comments as further information is provided for our review. The comments focus on consistency of the proposed plans with the Planning Board's Findings Statement, which was adopted on August 1, 2012.

1. The Findings Statement specifies that 45 acres of the site will encompass the area of development. The Site Plan drawing G-001 in General Note 9 specifies the proposed limit of disturbance as 50 acres. Please explain.

2. There are a total of 1,461 trees to be removed within the limits of disturbance, 341 of which are >24" size. Will these trees be used on-site, trucked off-site and sold or otherwise disposed of? If trucked off-site, was tree removal included in the calculation of anticipated truck traffic? Given the size of some of the trees, some may be quite valuable.

3. The Tree Preservation Plan does not include a note that tree removal will be limited to the period from October 1 through March 31 to protect specific wildlife species in accordance with the Findings Statement. This should be corrected.

4. The project phasing plan should include a note limiting the hours of the day when rock crushing will be conducted.

5. The Landscape Plans do not include full information on quantities and size of landscape materials to be provided. This should be updated when available.

6. Will planting details be provided for the proposed green roofs?

7. The Findings Statement states that site lighting will use full cutoff fixtures for the outdoor recreation area. The proposed lighting fixtures for the tennis courts, basketball court and volleyball court (fixtures YY3) do not have full cutoff fixtures that would prevent glare or otherwise prevent light from being emitted above a horizontal plane running through the lowest part of the fixture, as required by the Zoning Law and the Findings Statement. Manufacturers such as Musco specialize in providing fully shielded luminaires for sports lighting that would prevent this from happening. Also, if all sports lighting were on at the same time, according to my calculations this would demand 28,000 watts of electricity supplied by metal halide lamps. While not prohibited, metal halide is not on the list of recommended lighting types in the Zoning Law. Applicant to discuss the feasibility of alternative arrangements.

8. The photometric plan has not been provided yet. Illumination Engineering Society of North America's recommended standards (referenced in the Zoning Law) for basketball courts, tennis courts, and volleyball courts should be included in the photometric plan once available.

9. Has the applicant been in contact with the Orange County Department of Public Works on proposed access improvements to Long Meadow Road?

10. Please provide a detail on the proposed green wall near the bus parking.

11. Please address how the Greenwood Lake Joint Fire Department's recommendations have been incorporated into the plans.

12. If the applicant has entered into an agreement with an organization that will separate recyclables into their components off-site, please provide a copy of same.

13. Has the applicant reached a decision on how food waste will be disposed of?

14. The applicant should discuss whether the Green Globes certification process allows for periodic reports to be submitted to the Town of Warwick.

15. The applicant should discuss the status of discussions with O & R concerning the burial of existing overhead power lines within the utility easement.

16. Applicant to discuss whether Eastern White Pine is appropriate for the prolonged soil saturation conditions expected in the bioretention areas.

17. Applicant to discuss the proposed use of Eastern Hemlock and Canadian Hemlock. The hemlock woolly adelgid pest has been spreading throughout eastern North America and can only be effectively controlled through pesticide use.

18. The landscape plan provides callouts labeled "restore woodlands." This should be further explained.

19. The landscape plan notes labeled "future development" should be further explained.

20. Required parking for the project is 831 spaces while 966 auto spaces and 13 bus spaces are proposed. Since this is significantly more than required, is this number based upon known use at other facilities of the applicant?

Mr. Fink: I focused on the Findings Statement and the consistency of the proposed plans with the Findings Statement. They address primarily the issues of landscaping, tree preservation, lighting, as well as habitats. I could go through a few of them. There are a couple of inconsistencies here where the Findings Statement specifies that 45 acres would be disturbed but there is a note on the plans that states 50 acres of disturbance. We usually ask for these things to be responded to in writing so that we have a record on how you have addressed these issues. We are waiting for some landscaping details to be provided. Regarding the lighting plan, we have a zoning and the Findings Statement both specify that all of the fixtures would be full cutoff fixtures. The proposed lighting for the basketball courts, tennis courts, and volleyball courts are not full cutoff fixtures. We have talked about other alternatives for that. I know of people that are familiar with that. I suggest that you look at the alternatives. The other stuff is minor details. I have noticed that you have a lot of green roofs out there. Would you be providing details on the green roofs as far as the plantings, etc…?

Mark Coles: Yes. That is correct. We will be providing additional information on that.

Mr. Fink: Ok. Good. We have talked about Hemlock being a problem in this area. That was also a Conservation Board comment as well. If you have any other comments on anything else, I would be glad to discuss it with you.

Mark Coles: We will resolve that and all of the other issues that are in your Memo.

Mr. Fink: Ok.

Mr. Astorino: Ok. We also have comments from the Conservation Board and the ARB, dated 9/19/12 that are listed on the record. Do any Board Members have any other comments? Ok. You are good to go. You have 7 pages of comments to start working on. Our Professional would be willing to help you with these comments.

Mark Coles: Thank you.

Harvey Castro: Thank you.

2. Applicant to discuss project.
3. Conservation Board comments: pending
4. ARB comments: 09/12/12 waiting for detailed architectural plans to be submitted
5. Orange County Planning Department: 08/15/11 & 06/29/12 during SEQRA review; pending submittal for GML review

Site Plan Review Comments:

1. Coordination with O&R for easement for activities within the easement: (1) boulder retaining wall, (2) roadway to vehicle maintenance building, (3) secondary access road, and (4) various plantings and shrubs.
2. The proposed landscaping plan must include a schedule with botanical name, common name, number to be planted, and size to be planted.
3. A demolition plan was not submitted with the site plan.
4. The Applicant should clarify if there will there be consolidation of lots (a reverse subdivision).

5. The Applicant should clarify on the plans what areas will be in conservation and what mechanism will be used to conserve these areas.
6. Details will be required for each type of planting and seed mixture that will be installed.
7. On the grading and drainage plan, the top of wall and bottom of wall elevations, as well as elevations along various points along the wall must be called out.
8. Existing and proposed features must be called out as either being existing or proposed (e.g., water and sewer lines).
9. All utility lines must be called out with material, size, length, slope, etc. as appropriate.
10. More information/details must be provided for the tunnels and bridges.
11. OCDPW review and approval for the new roadway cut and drainage will be required.
12. The overview plans can be at 100-ft scale, but the site plan drawing must be at a smaller scale (e.g., 40-ft scale); Attachment 1 includes the Site Plan Checklist.
13. A note shall be added to the site plans stating that this review and approval assumes that there are no school age children that would need to attend local schools. If school age children were proposed to reside at this facility, then a review of potential impacts would need to be conducted.
14. Sheet G-001 and C-001 – In the General Notes, provide the dates of the boundary survey and wetland delineation.
15. Sheet C-001 – Provide the tax map number(s) for the project site.
16. Sheet C-001 – Provide the scale of the Vicinity Map.
17. The Applicant should provide a plat sheet that contains the full metes and bounds for all parcels that make up the project site. All easement information should be shown.
18. Sheets C-005 through C-008 (Existing Conditions) – The Applicant should provide information on the demolition of the existing conditions features. This can be done by creating additional demolition plan sheets. Notes should be provided to show if existing utilities (water, sewer, stormwater, gas, electric, etc.), will be removed/ abandoned or will remain.
19. Sheets C-005 through C-008 (Existing Conditions) – Provide information (Pipe length, size, material, inverts) for the existing culverts in Long Meadow Road (CR 84).
20. Sheet CS101 – This sheet shows an access gate for the Orange & Rockland (O&R) access road, and also an 8-foot high wildlife fence. The applicant should provide details for both of these features.
21. Sheet CS101 – The Applicant should contact O&R regarding the proposed access road, and determine if the placement and material are acceptable and provide documentation.
22. Sheet C-5XX (General Detail Sheet Comment) – The Applicant should provide striping details for the parking lots, including the handicapped parking spaces.
23. The Applicant should clarify if guide rails or guard rails are being proposed at any locations on the project site. The vicinity of "OUT-2" and "OUT-3" in the bioretention areas are slightly lower than the roadway in some locations, and could benefit from the added protection. The main access road from Long Meadow Road is another location where guide rails could be provided. If the Applicant adds these features to the plans, details for them should also be provided.
24. Sheet CU10X (All CU Sheets) – The references to the cross-sectional details on Sheet C-512 appear to be incorrect. The cross-sectional utility details can be found on Sheet C-511.
25. Sheet CU101 – At Station 9+00 of the utility corridor, it appears that some of the utilities go under a stairway. The proposed utility corridor should be moved slightly to avoid this structure.
26. Sheet CD001 – The acreages shown in each phase box do not seem to add up to the total acreage shown in the lower right hand corner of the box. For example, for Phase 1 there appear to be two areas highlighted, one that is 1.1 acres in size, and another that is 9.6

acres in size for a total of 10.7 acres. However in the lower right hand corner of the box, it states "Phase 1 – 9.0 AC". Please revise the text in each box so that the total disturbance area matches that of the highlighted areas.

27. Sheet CE111 (Erosion & Sediment Control Plan) – The Applicant should consider using a different symbol for both the Check Dam and the Perimeter Swale. The symbol used for the check dam makes it appear that the check dam is approximately 25 feet long. The perimeter swale linetype is a solid black line which can very easily get confused with a number of other line types shown on this sheet.
28. Sheet CE111 & CE112 – Based on the hatching shown on the plan, there appear to be two "temporary concrete areas". However, for one of these areas, the number "2" appears, which refers to "Demco's Stabilized Stockpile Area." This is in conflict with the hatching shown. Please clarify if this area is to be a temporary concrete area or a stockpile location.
29. Sheet CE111 – The Applicant should provide silt fence along both sides of the access road near the entrance where the wetlands are located.
30. All CE Sheets – The Stabilized Construction Entrance shown at the access from Long Meadow Road is approximately 10 feet wide by 30 feet long. Since this is the main access point from Long Meadow Road, the construction entrance should be widened to 24 feet for two way traffic, and be made 50 feet long, as per the detail shown on Sheet C-501.
31. All CE Sheets – The limits of disturbance line type should be made bolder so it stands out on each sheet.
32. Sheet CE112 – Based on the hatching shown on the plan, there is an area for "Rip Rap Stabilized Roadway". However, for this area, the number "16" appears, which refers to "Temporary Stockpile Area". This is in conflict with the hatching shown. Please clarify if this area is to be a rip rap stabilized roadway or a stockpile location. This also appears on Sheets CE113 through CE115. On the remaining CE Sheets, this area appears as a different hatch type, however the hatch type used does not match with stockpile area.
33. Sheet CE113, CE121 – There is a hatch of small circles along the right hand side of the plan. This hatch should be identified in the legend.
34. Sheet CE116 – At the bottom of the Phase 7 viewport, there is a leader with the number "1" at the end of it, referring to a limit of disturbance. However, the leader is not pointing to anything at this location. This leader should be relocated to point to the limit of disturbance line.
35. Sheets CE118 – CE119 – There are two instances where there are leaders with the number "22" at the end, and both of them appear to be pointing at stabilized construction entrances (number "9" in the keynotes). There do not appear to be temporary culverts at these locations. Please clarify.
36. Sheets C-201 and C-202 (Storm Drain Profiles) – The Applicant should show all crossings with water and sewer in the profiles. Each crossing should be labeled as to what the utility is (e.g. water or sewer), the pipe size, and the separation from the drainage pipe.
37. Sheets C-201 and C-202 (Storm Drain Profiles) – The Applicant should provide each outfall location with its own unique name. Currently, each outfall just lists the invert elevation.
38. Sheets C-201 through C-206 – The Applicant should provide the existing and finished grades for the entire profile length.
39. Sheets C-201 through C-206 – All profiles should show crossings with other utilities (water, sewer, drainage), identifying the utility type, the pipe size and distance from the pipe being profiled.

40. Sheet C-501 – The check dam detail shows both a rip rap check dam and a fiber roll check dam. If the Applicant intends on using both, they should indicate where each will be used.
41. Sheet C-502 – The Applicant should specify in plan view on the Erosion and Sediment Control sheets where the proposed rattlesnake protection barrier is to be installed.
42. Sheet C-509 – The Applicant should provide supporting calculations to show that the pump selected for the sanitary sewer lift station will be sufficient for this use.
43. Sheet ES102 (Lighting Plan) – There does not appear to be any proposed lighting for the Pavilion area located between the Offices Building and the Visitor Parking Building. The Applicant should verify.
44. Sheet ES103 & E105 (Lighting Plan) – There does not appear to be any proposed lighting for the Pavilions or along the walkway leading up to the pavilions; the Applicant should verify.
45. The details for the Monument Sign shall be submitted prior to receiving Conditional Final Approval.
46. Any off-site signage shall be shown before receiving Conditional Final Approval and this signage comply with the requirements of the Town.
47. The secondary access should have a sign on Sheet CS-105 that states "Authorized Personnel Only" or some other verbiage agreeable to the Planning Board.

SWPPP Comments:

1. Applicant to prepare a Maintenance Plan for the stormwater practices (e.g., bioretention, underground sand filters, stormwater planters, green roofs, and pervious pavement). The Applicant should include copies of the manufacturer's maintenance requirements for the proprietary systems.
2. Page 2-11 of the SWPPP – For the Bioretention and Underground Sand Filter maintenance, it is noted that debris will be cleared/removed "as needed". The Applicant should indicate a specific sediment depth for which removal shall take place, instead of indicating it be done "as needed". The maintenance for these practices should contain (at a minimum) the pertinent required elements contained in Section 6.4.6 of the New York State Stormwater Design Manual.
3. The Applicant has noted in several locations that they are proposing to disturb greater than 5 acres at one time. This will require an approval from the NYSDEC prior to the start of construction.
4. Sheet C-004 – This sheet should show all of the Design Points. Currently, only DP-5 is shown.
5. Appendix D & E – When comparing the Summaries for Subcatchment DA-5, the cover type for the Sheet Flow is Light Underbrush for Existing Conditions and Heavy Underbrush for the Proposed Conditions. Since this area is remaining undisturbed, the same cover type should be used for the Existing and Proposed Conditions.
6. The Applicant should provide information on the Landscaping Plans that indicate what the permanent seed mix is to be for the site.
7. Bioretention Areas – The Applicant should provide specific planting information for the bioretention areas (what is to be planted, how many, etc.). The detail on Sheet C-504 & C-505 does not specify this. It only specifies the composition of the planting soil.
8. Pervious Pavers and Pervious Asphalt - Will the areas of the site that contain pervious pavers be sanded or salted during snow events? If so, there is a high potential for clogging from the sand/salt. If this is the case, the size of the pretreatment for these areas should be 40% of the treatment volume.

9. Sheet C-504 – Provide a table for the Underground Sand Filters, Bioretention Areas, Oil and Sand Systems and Water Quality Units. These tables should contain the name of the structure (e.g. WQ-1), the rim of the structure, and the invert elevations.
10. Sheet C-504 – For the Bioretention, the Applicant should provide dimensions for the proposed gravel diaphragm.
11. The Applicant should provide a storm profile for the branch through the Underground Stormwater Detention System and to the outfall on the other side of the access road.
12. Green Roof – The Applicant should provide a cross-sectional detail for the green roof and provide soil composition information as well as seeding information.
13. Rip-Rap Outlets – The Applicant should provide calculations showing how the proposed riprap has been sized to ensure non-erosive velocities at the outlet points.
14. Appendix E – To DP-2, what structure does "Pond 1 – manhole" represent? The same labeling should be used in both the Appendix and on the plans.
15. Any feature that is being represented in Appendix E (Post-Developed Conditions Calculations/Output) should be labeled the same in both the Appendix and the plans. For example, it is difficult to distinguish which is "Stormwater Planter 4", "Bioretention 3", or "Wetland Depression 2" when looking at the plans.

Landscape Comments:

1. Tree Preservation plans should be coordinated with all other discipline's plan sheets. There is proposed development and features within the tree preservation buffer areas. Detailed plans for those areas should be developed to illustrate the trees to be protected and their proximity to proposed elements. Detailed plans should illustrate tree location, tree drip line, proposed grading, proposed elements (sidewalk, pavilions, stormwater and outlet structures, sports, etc.). If additional tree protection details should be needed, please provide (such as tree armoring).
2. There seem to be areas that do not fully coordinate between all disciplines. For example, in the southwest corner of the visitor parking building, the landscape plans call for a tree within a boulder garden. The Master Wayfinding Plans show a sign here without details of the sign, it can not be determined that the sign will work with the tree proposed. The Architectural drawings show a paver area with plantings around, and a "photo op". Applicant to clarify if all of these elements work together. Surface elements should be depicted on all plans.
3. Provide planting details for all planting types.
4. Add a note that if quantities differ between the plan and plant schedule, that the plan shall dictate.
5. Landscaping plans should show the existing trees to be preserved.
6. Provide notes for any invasive species management plan in disturbed areas.
7. All Landscape planting schedules should include size and root condition. Any plants with a fall planting hazard should be noted.
8. Add typical landscape notes (i.e. contractor instructions, maintenance, watering, warrantee etc.).
9. While it is noted that there is a minimum shrub count provided, there is not a minimum count for perennials, ferns and grasses. The Applicant should consider designing the landscape beds for the desired effects of the overall plan, as opposed to having the landscape contractor design the site. It is suggested that, at a minimum, each landscape bed should be noted with plant types, quantities and spacing, with a note that the final layout will be approved in the field prior to planting by the Project Landscape Architect. (Example: XX sf bed – # S4, # S17, # S11 at 10' on center; # P1, # P5, # P6 at 3' oc; and # F1, # F2 at 18" o.c.).

10. Tree plantings – please determine if proposed trees are to be balled and burlapped or container grown.
11. A note should be added to the plan stating that the minimum caliber of all trees to be planted is 1 ½" caliper and that each tree shall be guaranteed for three years.
12. Applicant to provide a planting list and details for the green roof.
13. Detail 4/L501 – bare root for Hemlock planting has not been provided. Detail should include method of hand planting to avoid disturbance and instructions on how to locate.
14. Add note per code "Required landscaping shall be maintained in a healthy, growing condition at all times. The property owner or lessee is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all planting as needed. Any plant that dies shall be replaced with another living plant that complies with the approved site plan within 90 days, or as soon as practical given weather conditions, after notification by the Town Building Inspector."
15. On Civil Plans, details for the stormwater planters and bioretention areas state to "See Landscape Plans for planting locations and details." These have not been provided. Please provide planting locations, as well as planting details.
16. Provide details as to the protection and/or relocation of the potential endangered species.
17. Note 8 on Sheet L-003 should be revised. Just monitoring grading, construction, demolition or other work will not protect the tree. Note should be expanded to include grading to be done by hand, and only within 6" +/- current grade if construction is proposed within the drip line.
18. General note 7, Sheets L-101 thru L-105. Include note that any area to be disturbed that is not shown with building, hardscape, trees or other planted areas shall be seeded. Plan should indicate where the shade and sun mixes are to be located.

Miscellaneous Comments:

1. Applicable Town of Warwick General Notes must be included in the plan set.
2. A box showing the five overlay districts in the Town shall be added to Sheet 1, including stating whether or not the project site is located within each district.
3. Applicant to state on the plans that property will be in conformance with §164-43.4 (lighting) of the Town Code.
4. Applicant to state on the plans that property will be in conformance with §164-43.1 (signage) of the Town Code.
5. The 9-1-1 addresses shall be added to Sheet 1.
6. A note shall be added stating that, "No construction or use associated with this site plan shall begin until the plans are signed by the Planning Board Chairman and Building Department Permits are obtained."
7. Surveyor to certify that iron rods or stone cairns have been set at all property corners.
8. Declaration information for Ridgeline Overlay Notes must be added to the plans.
9. Payment of any applicable bonds and/or inspection fees that are deemed necessary by the Planning Board.
10. Payment of all fees.

MJJ Builders 3-Lot Covered Bridge Road Subdivision

Application for Sketch Plat Review of a proposed 3-Lot **(Minor)** subdivision, situated on tax parcel SBL # 41-1-145; parcel located on the eastern side of Covered Bridge Road north of Wilhelm Drive, in the RU zone, of the Town of Warwick. Previously discussed at the 8/1/12 Planning Board Meeting.

Representing the applicant: Anthony Trochiano from Pietrzak & Pfau Engineering.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: pending
4. Architectural Review Board comments: 09/12/12 requesting elevations of the proposed homes
5. OC Planning Department: 08/01/12; no advisory comments.
6. The recording information for the parcel deed must be submitted.
7. The speed limit for Covered Bridge and DeKay Roads must be added as a note on the plan.
8. Applicant must show all wells and septic systems within 300-lot and <u>include a note stating that all have been located.</u>
9. The area of disturbance is estimated to be 1.5± acres by the Applicant; the current Town Code requires that a complete SWPPP be prepared. (This is pending the Town Board acceptance of the draft Stormwater Regulations.)
10. Sheet 1 should call out any existing monuments/pins.
11. Sheet 1, General Note 2 has the incorrect lot area.
12. Note should be clarified if there is disturbance within 100-ft of the NYSDEC wetland.
13. The minimum width of the driveway at the intersection with Town Road must be 15-ft (§A168-19).
14. A note must be added to the driveway cross section that the driveway will be installed in accordance with §A168-19.
15. Notes must be added to the plan to state how the stormwater infiltrators should be maintained, as well as providing the entity responsible for maintaining these infiltrators.
16. 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."
17. Surveyor to certify that iron rods have been set at all property corners.
18. The declaration for the roadway dedications and agricultural notes must be added to the plans.
19. Payment of parkland fees.
20. Payment of all fees.

The following comment submitted by the Conservation Board, dated 9/19/12:

<u>MJJ Builders 3-Lot Covered Bridge Road Subdivision</u> - The CB believes this property may be a former apple orchard. In that case, additional soil sampling and appropriate subdivision notes should be considered.

The following comment submitted by the ARB, dated 9/19/12:

MJJ Builders 3-Lot Covered Bridge Road Subdivision - We would like to see elevations of the proposed homes when the applicant has them. Our sole concern, from the ARB's perspective, is that the drop off behind the homes on the two-lot development (with wetlands) appears a bit severe according to the topos on the plan.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has declared itself Lead Agency. The Planning Board has been reviewing it using the short EAF. It is an Unlisted Action. There are no other Involved Agencies. There are a few SEQR issues listed in the review comments tonight.

Comment #2: Applicant to discuss project.

Anthony Trochiano: Since the last plans that we had submitted, we have revised them in accordance to HDR's first letter. We have done soil tests. We have shown all of the wells and septics on the plan. We have reconfigured the driveways on Lots 1 and 2 as the Planning Board had requested. Now, it comes together with the Town Road. There would be one curb cut. We have also prepared a Drainage Analysis for this project that we had submitted to the Town. We are going to be disturbing greater than an acre but less than 5 acres. We are within that threshold that requires a Storm Water Drainage Analysis. What we are proposing is that each lot would be provided with an infiltration chamber.

Comment #3: Conservation Board comments: pending

Mr. Astorino: We have a comment from the Conservation Board. It is dated 9/19/12. It is stated as follows: "*The CB believes this property may be a former apple orchard. In that case, additional soil sampling and appropriate subdivision notes should be considered*". At this point, we don't know. You will need to do some inquiry. We could do some. A comment like this, I don't know where they received their information from. That is something we could do a little digging on our own.

Mr. McConnell: I don't even remember seeing any fruit trees.

Mr. Astorino: I happen to agree with you. The comment was brought to us. I don't know where they got it. This is the first time I am seeing this comment from the CB. However, we will do a little digging on our own. You would also have to do a little digging. We will see what we come up with.

Anthony Trochiano: Ok.

Mr. McConnell: I could ask one of my neighbors, John Baird. He would know.

Mr. Astorino: That would be the perfect guy that would know.

Mr. McConnell: Bill might also know.

Mr. Astorino: I think Bill would know.

Comment #4: Architectural Review Board comments: 09/12/12 requesting elevations of the proposed homes
Comment #5: OC Planning Department: 08/01/12; no advisory comments.
Comment #6: The recording information for the parcel deed must be submitted.

Anthony Trochiano: I will contact the applicant on that. They have not submitted that yet.

Comment #7: The speed limit for Covered Bridge and DeKay Roads must be added as a note on the plan.

Anthony Trochiano: We will add that.

Comment #8: Applicant must show all wells and septic systems within 300-feet and include a note stating that all have been located.

Anthony Trochiano: We will include that.

Comment #9: The area of disturbance is estimated to be 1.5± acres by the Applicant; the current Town Code requires that a complete SWPPP be prepared. (This is pending the Town Board acceptance of the draft Stormwater Regulations.)

Mr. Astorino: I believe that will be happening soon.

Laura Barca: That should be happening next month.

Mr. Astorino: Ok.

Mr. Bollenbach: It should be based on the proposed Regulations.

Mr. Astorino: Yes.

Laura Barca: Right. But, I am going to review it once the proposed are accepted.

Comment #10: Sheet 1 should call out any existing monuments/pins.

Anthony Trochiano: Yes.

Comment #11: Sheet 1, General Note 2 has the incorrect lot area.

Laura Barca: I don't know if that is true or not. I don't have the filed deed yet.

Anthony Trochiano: Ok. I understand.

Comment #12: Note should be clarified if there is disturbance within 100-ft of the NYSDEC wetland.

Anthony Trochiano: I will add that.

Comment #13: The minimum width of the driveway at the intersection with Town Road must be 15-ft (§A168-19).

Anthony Trochiano: I will revise that.

Comment #14: A note must be added to the driveway cross section that the driveway will be installed in accordance with §A168-19.

Anthony Trochiano: No problem.

Comment #15: Notes must be added to the plan to state how the storm water infiltrators should be maintained, as well as providing the entity responsible for maintaining these infiltrators.

Anthony Trochiano: I will add the notes.

Comment #16: 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."

Anthony Trochiano: No problem.

Comment #17: Surveyor to certify that iron rods have been set at all property corners.

Anthony Trochiano: Yes.

Comment #18: The declaration for the roadway dedications and agricultural notes must be added to the plans.

Anthony Trochiano: Yes.

Comment #19: Payment of parkland fees.

Anthony Trochiano: No problem.

Comment #20: Payment of all fees.

Anthony Trochiano: No problem.

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

Mr. Bollenbach: Does the applicant care to be set for a public hearing?

Anthony Trochiano: Yes. We request to be set for a public hearing.

Mr. McConnell makes a motion to set the MJJ Builders 3-Lot Covered Bridge Road Subdivision for a Final Public Hearing at the next available agenda.

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

Pochuck Views Subdivision

Application for Sketch Plat Review for a proposed 5-Lot **(MAJOR)** subdivision, formally known as the Tarelli Subdivision, situated on tax parcels S 24 B 1 L 20.1 & 35; parcels located on the western side of Glenwood Road 3500 feet south of Newport Bridge Road, in the RU zone, of the Town of Warwick. Previously discussed at the 5/16/12 Planning Board Meeting.

Representing the applicant: Dave Getz from Lehman & Getz Engineering and Applicant. George Rhein, Applicant.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: pending
4. Architectural Review Board comments: 09/12/12 no comments
5. OC Planning Department: 05/18/12 add Agricultural Notes; concerns about stormwater management
6. OCDPW (driveway permit and drainage): 09/13/12 comments received
7. Sheet 1 Driveway Notes 2 and 3 should be revised to the pertinent lots numbers for this subdivision.
8. Sheet 2 must show any existing monuments/pins.
9. Sheet 2 must show metes and bounds.
10. Future versions of the SWPPP should have the following:
    a. Copy of signed Notice of Intent (NOI)
    b. Copy of MS4 SWPPP Acceptance Form
    c. Signature and Stamp of Licensed Professional (SWPPP and Plan Sheets)
11. The drainage design points should be clearly identified on the pre and post development drainage plans. It appears that there should be a fourth design point where flow enters into the existing 21" RCP along Glenwood Road. The existing conditions map should ensure that the entire drainage area to this culvert is shown.
12. The pre and post-development drainage maps (Figures 3 and 4) should indicate the area of each drainage area, and indicate the time of concentration length and time (in minutes) or provide a table summary in the report.
13. Sheet 1 of 8 – Note #15 indicates that approximately 10.5 acres will be disturbed during the proposed construction. While the Applicant notes that "no more than 5 acres may be disturbed at one time", the Applicant should show how this project will be phased/sequenced to meet this requirement, indicating how many acres are to be disturbed in each phase.
14. Sheet 1 of 8 – Note #15 should also be added to the "Soil Erosion and Sediment Control Notes" on Sheet 4 of 8.
15. The Applicant should specify the permanent seeding mix that is to be used for final site stabilization. If permanent seedings for the dry swale and the bioretention areas are to be different from those proposed for the rest of the site, it should be noted with the details on Sheet 7 of 8.
16. The Applicant should provide a detail for the proposed flared end sections.
17. Sheet 4 of 8 – The Applicant should provide a detail for the temporary sediment trap and for the soil stockpile.

18. Sheet 7 of 8 – For the Bioretention System detail, the Applicant should specify what planting soil mix is to be used. The soils used shall meet the design criteria outlined in Appendix H of the NYS Stormwater Design Manual. Also, the Applicant should provide additional specification on the stone to be used under the filter fabric.
19. Sheet 7 of 8 – As per Section 6.4.5 of the NYS Stormwater Design Manual, landscaping plans should be provided for the bioretention areas. Additional details are needed for the current vegetation indicated on the detail.
20. Sheet 7 of 8 – The Bioretention System detail should provide information (sizing, location, etc.) of how the pretreatment measures are to be constructed.
21. Sheet 7 of 8 – The Bioretention System detail should be revised to show a six-inch deep surface ponding area as per Section 6.4.4 of the NYS Stormwater Design Manual.
22. Sheet 7 of 8 – The Bioretention System detail should show a stone drop (pea gravel diaphragm) of at least six inches at the inlet of the bioretention area.
23. Sheet 7 of 8 – The Dry Swale detail should note that the swale should have a maximum longitudinal slope of 4.0% as per Section 6.5.1 of the NYS Stormwater Design Manual.
24. Sheet 8 of 8 – Section 11 of the notes should specify that vegetation in the dry swales are to be mowed as required during the growing season to maintain grass heights in the 4-6" range.
25. The entity responsible for the operation and maintenance of the proposed stormwater structures shall be called out on the plan.
26. Sheet 2 should identify the easement purpose, who has the rights to use the easement, who has responsibility of maintenance including a reference to any filed maintenance agreement.
27. Map legends should be added to the plans.
28. Sheet 4 states that the existing driveways are to be removed. Notes and details should be included in the plan to state when and how this remediation/restoration will take place. Applicant to add a seeding detail.
29. Sheet 1, Driveway Note 2 should state which driveways (if any) are expected to have a slope greater than 10%.
30. The Applicant is requesting a waiver from §168-17 Street Specifications Grades and Vertical Curves (proposed 14%, whereas maximum slope allowed is 10%).
31. The 9-1-1 addresses for all five lots must be added to the plan set.
32. The declaration information for the Ridgeline Overlay District will need to be shown.
33. A private roadway easement and agreement must be prepared and submitted to the Town.
34. Surveyor to certify that iron rods have been set at all property corners.
35. A bond and inspection fees for the private road shall be determined to the Planning Board Engineer's specification.
36. Payment of parkland fees.
37. Payment of all fees.

The following comment submitted by the Conservation Board, dated 9/19/12:

<u>Pochuck Views Subdivision</u> - The CB has no objection to the Ridgeline Overlay waiver. The slope and drainage control measures remain the primary concern. The CB is concerned about a slope waiver given the terrain and proximity to Glenwood Road. The CB will submit further comments prior to the public hearing.

The following comment submitted by the ARB:

<u>Pochuck Views Subdivision</u> – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This application is subject to SEQR. We have the short EAF that had been submitted. The Planning Board has already declared itself Lead Agency. It is an Unlisted Action. We are waiting for more information.

Comment #2: Applicant to discuss project.

Dave Getz: Back in May was when we last appeared before the Board. We had done a site visit. We have provided a new plan with additional details. We have also submitted a Drainage Report. The layout design of the subdivision is pretty much the same as the first plan.

Comment #3: Conservation Board comments: pending

Mr. Astorino: We have a comment from the Conservation Board, dated 9/19/12: The comment is stated as follows: "*The CB has no objection to the Ridgeline Overlay waiver. The slope and drainage control measures remain the primary concern. The CB is concerned about a slope waiver given the terrain and proximity to Glenwood Road. The CB will submit further comments prior to the public hearing"*. That is a decision that the Planning Board makes about the waiver for the road. Regarding the cuts and fills, we have discussed that in the past. That would be something we could make a determination on.

Mr. Bollenbach: Did you show how it could comply?

Dave Getz: Yes. We just did it today. I emailed Laura on that.

Laura Barca: Yes. I have that.

Dave Getz: We have a profile that shows the same road location that could be built at a 10% slope and arrive at the same cul-de-sac to the driveways that could work. You would have 10 feet or more of a cut.

Mr. Bollenbach: It would be a greater land disturbance. Additional soil erosion control measures would be needed.

Dave Getz: Correct.

Comment #4: Architectural Review Board comments: 09/12/12 no comments
Comment# 5: OC Planning Department: 05/18/12 add Agricultural Notes; concerns about stormwater management

Mr. Astorino: I don't know what their concerns are. It is the best storm water management that we have.

Comment #6: OCDPW (driveway permit and drainage): 09/13/12 comments received

Dave Getz: We have that. We will be addressing that to them.

Mr. Astorino: Ok. Laura, regarding comments 7 through 37, are there any that you would like to go through or that are outstanding?

Laura Barca: Comments 11 through 24 are related to the drainage plan that was just submitted. There were a lot of comments out with this submittal, but we have just received the drainage plan.

Mr. Astorino: Ok. That still has to be reviewed.

Dave Getz: Yes.

Mr. Astorino: Ok. I am not going to go through these drainage comments tonight. Let Laura review the new submitted plans first. Laura, is there any other comments that stand out?

Laura Barca: Comment #25 states that the entity responsible for the operation and maintenance of the proposed storm water structures shall be called out on the plan.

Dave Getz: Ok. That would be part of the Road Maintenance Agreement. We would put the storm water facilities in there also. It will be spelled out that the Homeowners would be responsible.

Laura Barca: Ok.

Mr. Astorino: Do you have anything further?

Dave Getz: Comment #30 is about the waiver of the road slope. Then, Comment #32 is about the declaration information for the Ridgeline Overlay District will need to be shown. We discussed this at the Work Session. There is just a sliver of one property in the Ridgeline. We are requesting for that not to be in the Ridgeline.

Mr. Astorino: I don't think that would be an issue.

Mr. Bollenbach: Yes. It would be beyond the buildable area. I think that could be something that the Board could waive. However, just label the Ridgeline on the map.

Dave Getz: Ok.

Mr. Astorino: Dave, do you have anything further?

Dave Getz: No. The drainage comments and all of the other comments we could address them. We do request to be set for a public hearing.

Mr. Astorino: We will list Comments 7 through 37 for the record.

Mr. McConnell makes a motion to set the Pochuck Views Subdivision for a Preliminary Public Hearing at the next available agenda.

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

Mr. Bollenbach: Regarding Comment #30, do we have a consensus that would be beneficial to waive the slope.

Mr. Astorino: I don't have a problem with that. I even don't have a problem about waiving the Ridgeline.

Mr. Kennedy: I have no problem.

Mr. McConnell: As long as the drainage plan that was just submitted does not contradict that.

Laura Barca: No. It does not.

Mr. Bollenbach: Ted, do you have any comments on that?

Mr. Fink: I think that it reduces the overall area of disturbance. When we looked at the actual profile, it was a lot of cutting.

Mr. Astorino: Right.

Mr. Fink: It reduces environmental impacts.

Mr. Bollenbach: Let the record show that there was a consensus from the Board on Comment #30 regarding waiving the slope requirement.

Dave Getz: Thank you.

Comment #7: Sheet 1 Driveway Notes 2 and 3 should be revised to the pertinent lots numbers for this subdivision.
Comment #8: Sheet 2 must show any existing monuments/pins.
Comment #9: Sheet 2 must show metes and bounds.
Comment #10: Future versions of the SWPPP should have the following:

a. Copy of signed Notice of Intent (NOI)
b. Copy of MS4 SWPPP Acceptance Form
c. Signature and Stamp of Licensed Professional (SWPPP and Plan Sheets)

Comment #11: The drainage design points should be clearly identified on the pre and post development drainage plans. It appears that there should be a fourth design point where flow enters into the existing 21" RCP along Glenwood Road. The existing conditions map should ensure that the entire drainage area to this culvert is shown.
Comment #12: The pre and post-development drainage maps (Figures 3 and 4) should indicate the area of each drainage area, and indicate the time of concentration length and time (in minutes) or provide a table summary in the report.
Comment #13: Sheet 1 of 8 – Note #15 indicates that approximately 10.5 acres will be disturbed during the proposed construction. While the Applicant notes that "no more than 5 acres may be disturbed at one time", the Applicant should show how this project will be phased/sequenced to meet this requirement, indicating how many acres are to be disturbed in each phase.
Comment #14: Sheet 1 of 8 – Note #15 should also be added to the "Soil Erosion and Sediment Control Notes" on Sheet 4 of 8.
Comment #15: The Applicant should specify the permanent seeding mix that is to be used for final site stabilization. If permanent seedings for the dry swale and the

bioretention areas are to be different from those proposed for the rest of the site, it should be noted with the details on Sheet 7 of 8.
Comment #16: The Applicant should provide a detail for the proposed flared end sections.
Comment #17: Sheet 4 of 8 – The Applicant should provide a detail for the temporary sediment trap and for the soil stockpile.
Comment #18: Sheet 7 of 8 – For the Bioretention System detail, the Applicant should specify what planting soil mix is to be used. The soils used shall meet the design criteria outlined in Appendix H of the NYS Stormwater Design Manual. Also, the Applicant should provide additional specification on the stone to be used under the filter fabric.
Comment #19: Sheet 7 of 8 – As per Section 6.4.5 of the NYS Stormwater Design Manual, landscaping plans should be provided for the bioretention areas. Additional details are needed for the current vegetation indicated on the detail.
Comment #20: Sheet 7 of 8 – The Bioretention System detail should provide information (sizing, location, etc.) of how the pretreatment measures are to be constructed.
Comment #21: Sheet 7 of 8 – The Bioretention System detail should be revised to show a six-inch deep surface ponding area as per Section 6.4.4 of the NYS Stormwater Design Manual.
Comment #22: Sheet 7 of 8 – The Bioretention System detail should show a stone drop (pea gravel diaphragm) of at least six inches at the inlet of the bioretention area.
Comment #23: Sheet 7 of 8 – The Dry Swale detail should note that the swale should have a maximum longitudinal slope of 4.0% as per Section 6.5.1 of the NYS Stormwater Design Manual.
Comment #24: Sheet 8 of 8 – Section 11 of the notes should specify that vegetation in the dry swales are to be mowed as required during the growing season to maintain grass heights in the 4-6" range.
Comment #25: The entity responsible for the operation and maintenance of the proposed stormwater structures shall be called out on the plan.
Comment #26: Sheet 2 should identify the easement purpose, who has the rights to use the easement, who has responsibility of maintenance including a reference to any filed maintenance agreement.
Comment #27: Map legends should be added to the plans.
Comment #28: Sheet 4 states that the existing driveways are to be removed. Notes and details should be included in the plan to state when and how this remediation/restoration will take place. Applicant to add a seeding detail.
Comment #29: Sheet 1, Driveway Note 2 should state which driveways (if any) are expected to have a slope greater than 10%.
Comment #30: The Applicant is requesting a waiver from §168-17 Street Specifications Grades and Vertical Curves (proposed 14%, whereas maximum slope allowed is 10%).
Comment #31: The 9-1-1 addresses for all five lots must be added to the plan set.
Comment #32: The declaration information for the Ridgeline Overlay District will need to be shown.
Comment #33: A private roadway easement and agreement must be prepared and submitted to the Town.
Comment #34: Surveyor to certify that iron rods have been set at all property corners.
Comment #35: A bond and inspection fees for the private road shall be determined to the Planning Board Engineer's specification.
Comment #36: Payment of parkland fees.
Comment #37: Payment of all fees.

Other Considerations:

1. Planning Board Minutes of 8/15/12 for Planning Board Approval.

   Mr. McConnell makes a motion to Approve the Planning Board Minutes of 8/15/12.

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

2. Planning Board to discuss canceling the 9/24/12 Work Session & 10/3/12 Planning Board Meeting due to no submittals.

   Mr. Kennedy makes a motion to cancel the 9/24/12 Work Session & 10/3/12 Planning Board Meeting.

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

   Connie Sardo: I just want the Board to know that the next Work Session is 10/8/12 for the 10/17/12 Planning Board Meeting. That Work Session falls on Columbus Day. The Town Hall is closed that day. You could still have a Work Session that night. If not, it all depends on what we next. The next submittal day for the 10/8/12 Work Session is on 9/26/12. But, I did reserve the Work Session room for Tuesday, 10/9/12 just in case.

   Mr. Astorino: The only reason we would need to have the Work Session on Monday night is if we have public hearings that need to be advertised Tuesday morning. We will see how it goes. If we don't have it on 10/8/12, we would have it on 10/9/12. Connie will inform everyone by email.

3. **BCM Development –** Letter from Tony Ciallella, BCM Development, dated 9/15/12 addressed to the Planning Board in regards to the BCM Subdivision – requesting a 6-Month Extension on Preliminary Approval for filing a 42-Lot subdivision in Sections and for **2nd Re-Approval** of Final Approval for Section I to consist of proposed 12-Lots, situated on tax parcel SBL # 44-1-133; parcel located on the northerly side of State Route 17A, 500 feet east of Ketchum Road and Pumpkin Hill Road, in the SL zone. Preliminary Approval and Conditional Final Approval was granted on, 9/1/10. The 6-Month Extension on Preliminary Approval for filing the subdivision in Sections and the 2nd Re-Approval of Final Approval for Section I to consist of 12-Lots, becomes effective on, 9/1/12, subject to the conditions of Final Approval granted on, 9/1/10.

Mr. Kennedy makes a motion on The BCM Development application, granting a 6th Month Extension on Preliminary Approval for filing a proposed 42-Lot cluster subdivision in Sections and ***2nd Re-Approval*** of Final Approval for Section 1 to consist of a proposed 12-Lot cluster subdivision. SBL # 44-1-133. Preliminary and Final Approval was granted on 9/1/10.

The 6th Month Extension on Preliminary Approval for filing the subdivision in Sections and the 2nd Re-Approval of Final Approval for Section I to consist of 12-Lots becomes effective on, 9/1/12, subject to the conditions of Final Approval granted on, 9/1/10.

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

4. **Brian Singer Subdivision –** Letter from Kirk Rother, P.E., dated 9/18/12 addressed to the Planning Board in regards to the Brian Singer Subdivision – requesting ***2nd Re-Approval*** of Final Approval for a proposed 2-Lot subdivision, situated on tax parcel S 66 B 1 L 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 "Amendment of the Conditions" was granted on 6/2/10. The 2nd Re-Approval of Final Approval becomes effective on, 6/2/12.

Mr. McConnell makes a motion on the Brian Singer application, granting ***"2nd 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 2nd Re-Approval of Final Approval becomes effective on, 6/2/12, subject to the conditions of final approval granted on, 6/2/10.

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

Correspondences:

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

Connie Sardo: I just wanted to remind everyone that tomorrow night at 7:00p.m. will be the Hydro-Fracking Forum here at Town Hall. They really want a lot of people to go to this thing. I think some Board members should try to attend this Forum.

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 September 19, 2012 Planning Board Meeting.

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