

TOWN OF WARWICK PLANNING BOARD

October 7, 2015

Members present: Chairman, Benjamin Astorino  
Dennis McConnell, Bo Kennedy,  
Christine Little  
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, October 7, 2015 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 Eagle Crest of Warwick/Autumn Ridge Corp.**

Application for Preliminary Approval of a proposed 3-Lot Cluster Subdivision, situated on tax parcel S 23 B 1 L 11.2; parcel located on the northeastern side of Hambletonian Road 1590 feet north of Ridge Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Kirk Rother, P.E.

Connie Sardo: Mr. Chairman, we received the certified mailings for the Eagle Crest 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 – 12/03/14 will submit comments after site inspection; concerns are lot configuration and control of open space
4. Architectural Review Board – pending comments
5. OC Planning Department – 12/18/14; advisory comments for access coordination with Chester and open space
6. TW Building Department – 11/13/14 no violations
7. Location map is not current; please update.
8. Identify adjacent property owners within 200-ft of the property boundaries, including name, location, and width.
9. The proposed and existing property lines appear identical in the Legend, located on Sheet 1; Applicant to clarify.
10. The open space and building setback line types should be added to the Legend on Sheet 1.
11. There is a lot that is offset 10-ft from the open space are line on proposed Lot 3; applicant to clarify purpose of this line.
12. Applicant to consider continuous riprap protection between the driveway culverts on Lots 2 and 3.

13. Applicant to include a plat within the subdivision plan, including a surveyor signature and seal.
14. Septic pump details are referred to on Sheet 2 but do not appear to be included within the plan set.
15. Applicant to submit Town of Chester approved plans filed in the Orange County Clerk's Office for Eagle Crest, Sections 2 and 3, Amended Subdivision.
16. 911 addresses shown in tabular format on Sheet 1.
17. The declaration information for the Ridgeline Overlay notes, Agricultural Notes, Open Space Notes must be added to the plans.
18. Declaration that the Chester parcel and the Warwick parcel shall not be transferred separately.
19. Applicant to provide shared driveway agreement for proposed Lots 2 and 3.
20. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at all conservation area corners.
21. Payment of lieu of parkland fees per §75-3.A(2)(a)(3) for 2 lots.
22. Payment of all fees.

The following review comments submitted by the Conservation Board:

Eagle Crest of Warwick – None submitted

The following review comments submitted by the ARB:

Eagle Crest of Warwick – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This application is an Unlisted Action under SEQRA. We reviewed it using the short EAF. There are no other Involved Agencies. The Planning Board is designated as Lead Agency. I have prepared a draft Negative Declaration for the Board's consideration. There were two issues that arose during the SEQRA review process. One issue is that the property is located within the Town's Ridgeline Overlay District. We asked the applicant to prepare Line-Of-Sight Profiles. They have done that. Not surprisingly Lot #1 the house from Hambletonian Road is visible. There would be no way to effectively shield that because the rear of the property is a Federal jurisdictional wetland. The other lots, Lot #2 and Lot #3 will probably not be visible from Hambletonian Road. They did not appear that way in the Line-Of-Sight Profiles. In terms of the wetland, that is the second issue. It is within the Town's Bio-diversity Conservation Overlay District. The property is proposed as a Cluster subdivision. The area with the Bio-diversity significance on the property is being incorporated within the open space protection area. Those have been incorporated into the Negative Declaration.

Comment #2: Applicant to discuss project.

Kirk Rother: The application that is before the Board is for a proposed 3-Lot Cluster subdivision. It is situated on approximately 17 acres of land. It is located on Hambletonian Road. Right on the Warwick/Chester border. One lot is proposed to have access directly off Hambletonian Road. The 2 additional lots are proposing access from a common shared driveway. That would front directly off Lewis Court which was a cul-

de-sac that was built in the Town of Chester as part of the Eagle Crest subdivision. The Town of Chester is aware of the access off of the cul-de-sac. They have no problem with that. These lots would be served by individual wells & septic systems. The soil tests were performed by our office and witnessed by the Town Engineer. The locations of lot #2 and lot #3 the home sites are such that they are tucked down into the woods a little bit. As to mitigate the view of the rear of the lots with the Eagle Crest Chester subdivision, I believe which are lots #12 & #13, as Mr. Fink had indicated this is within the RL-O. We are proposing the highest elevation of the site to be part of the open space as well as the low area which is the Bio-diversity Conservation District.

Comment #3: Conservation Board – 12/03/14 will submit comments after site inspection; concerns are lot configuration and control of open space

Mr. Astorino: We did the site inspection. I don't think there were any further comments from the Board.

Laura Barca: Right. Their concerns were the lot configuration and control of the open space.

Mr. Astorino: We took care of that.

Comment #4: Architectural Review Board – pending comments

Comment #5: OC Planning Department – 12/18/14; advisory comments for access coordination with Chester and open space

Mr. Astorino: We did that through Chester.

Comment #6: TW Building Department – 11/13/14 no violations

Comment #7: Location map is not current; please update.

Kirk Rother: Will do.

Comment #8: Identify adjacent property owners within 200-ft of the property boundaries, including name, location, and width.

Kirk Rother: Ok.

Comment #9: The proposed and existing property lines appear identical in the Legend, located on Sheet 1; Applicant to clarify.

Kirk Rother: Will do.

Comment #10: The open space and building setback line types should be added to the Legend on Sheet 1.

Kirk Rother: Ok.

Comment #11: There is a lot that is offset 10-ft from the open space are line on proposed Lot 3; applicant to clarify purpose of this line.

Kirk Rother: Laura, looking at the map, is it this line?

Laura Barca: There is a line on the map that is now obsolete. It has been taken off the map. That comment can go away.

Mr. Astorino: Let's leave the comment there. The reason being is because it is on another map.

Laura Barca: Ok.

Mr. Bollenbach: The house on Lot #1, is that proposed as a two-story home? Ted, is that the one that you were talking about visual mitigation?

Mr. Fink: Yes.

Mr. Bollenbach: Is it proposed to be a single or two story home?

Mr. Fink: I believe it is limited to 25 feet.

Mr. Astorino: I believe it is within the Ridgeline Overlay.

Kirk Rother: I believe we drew it as 35 feet.

Mr. Bollenbach: That is a question that I have. That is one of the mitigation factors. It would be for the Board to consider.

Mr. Astorino: This would fall into the Ridgeline Overlay notes. Is that correct?

Mr. Bollenbach: Yes. But it is proposed as 35 feet. That is why I have brought it up. If the Board would like to have it as a single story for further visual mitigation, that has been done in the past. I just wanted to bring it to the Board's attention.

Mr. Astorino: I didn't think we allowed 35 feet in the Ridgeline Overlay. Is that correct?

Ms. Little: That section of the lot, is that a depressed section of the lot?

Kirk Rother: It is not. It drops right off from Hambletonian Road.

Ms. Little: Is it set much lower than the road? Is that correct?

Kirk Rother: It would be.

Mr. Astorino: Let us go through the rest of comments. We will get to this as we go through. The Ridgeline notes specify 25 feet unless you go to the Building Department and do a Visual Analysis and prove otherwise.

Mr. Bollenbach: Since it is before the Board, the Board could take care of it now.

Mr. Astorino: I understand that. As of right now, it is 25 feet. If the applicant would like to go any higher, we could discuss it as a Board.

Laura Barca: Yes.

Comment #12: Applicant to consider continuous riprap protection between the driveway culverts on Lots 2 and 3.

Kirk Rother: No problem.

Comment #13: Applicant to include a plat within the subdivision plan, including a surveyor signature and seal.

Kirk Rother: Yes.

Comment #14: Septic pump details are referred to on Sheet 2 but do not appear to be included within the plan set.

Kirk Rother: We will add that.

Comment #15: Applicant to submit Town of Chester approved plans filed in the Orange County Clerk's Office for Eagle Crest, Sections 2 and 3, Amended Subdivision.

Kirk Rother: We have those plans from Chester. I showed it to Laura.

Comment #16: 911 addresses shown in tabular format on Sheet 1.

Kirk Rother: Yes.

Comment #17: The declaration information for the Ridgeline Overlay notes, Agricultural Notes, Open Space Notes must be added to the plans.

Kirk Rother: Yes.

Comment #18: Declaration that the Chester parcel and the Warwick parcel shall not be transferred separately.

Kirk Rother: Ok.

Comment #19: Applicant to provide shared driveway agreement for proposed Lots 2 and 3.

Kirk Rother: Yes.

Comment #20: Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at all conservation area corners.

Kirk Rother: Ok.

Comment #21: Payment of lieu of parkland fees per §75-3.A(2)(a)(3) for 2 lots.

Kirk Rother: Will do.

Comment #22: Payment of all fees.

Kirk Rother: Yes.

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

Mr. Fink: There is a correction that needs to be made to General Note #4. It should state 3-Lots are proposed.

Mr. Astorino: Ok. We will make that as a comment. This is a public hearing. If there is anyone in the audience wishing to address the Eagle Crest of Warwick subdivision, please rise and state your name for the record.

Mary Pat Barlow-Layne: I live in the house that is right across from Lot #1. I was wondering if the house could be moved over just a little. Otherwise, it will have an impact on us with it there.

Laura Barca: Do you want the house location moved?

Mary Pat Barlow-Layne: That was what I was wondering. I was wondering if the house or the driveway could be moved. The driveway is right across from our driveway. Our house is from the 1800's. We don't have a lot of front space. We don't have a lot of setback.

Mr. Astorino: I don't think the driveway could be moved due to the fact of the sight distance. We had to make sure the driveway would be in a safe location. We went back with the Engineer and the Applicant.

Mr. McConnell: Do you know what the sight distances are?

Mary Pat Barlow-Layne: There is another house next to us. It is the DeGenaro's house. They have a driveway on the same side as I am.

Mr. McConnell: The sight distances is measured where you are sitting in your car coming out of this driveway, you would have to be able to see a certain distance each way. It would be different on the other side of the road because of the bend in the road. What the Chairman is saying to you, we talked extensively to the Engineer about the placement of the cut off Hambletonian Road so that they get the sight distances that are required. That is a safety issue for the people who would be using that driveway.

Mr. Astorino: It is also for the people driving down the road.

Mary Pat Barlow-Layne: Could the driveway be longer and the house moved over a little more?

Mr. Bollenbach: Where are you suggesting the house be moved to?

Mary Pat Barlow-Layne: I would like it to be moved over to towards the open space.

Kirk Rother: The challenge that we have with that is with the grading of the land. The further you get into Warwick, the steeper the land drops off.

Mr. Rother shows the subdivision map to Mrs. Barlow-Layne and discusses the driveway location and the house location of Lot #1. He states that it is not an easy thing to shift that over. He would if he could. Mrs. Barlow-Layne mentions about if maybe the house could be moved over 10 feet. Kirk states that they could move the house 10 feet but not 100 feet.

Mr. Astorino: Kirk, if you could move the house over 10 feet, then move it 10 feet.

Kirk Rother: We could move it 10 feet.

Mr. Astorino: There you go.

Laura Barca: On the subdivision plan, Kirk and the applicant agreed to move the house location, so they will move it. But, because they are in the Ridgeline Overlay, when someone buys that lot they could move that house 20 feet.

Mr. Bollenbach: Then move it another 20 feet so that it doesn't get closer. We could put a note on there.

Mr. Astorino: If you are moving the house 10 feet, there is no moving the house after that. Once the house is set in a certain spot that is where the house would get built. Are we all on the same page?

Kirk Rother: That is what will happen.

Mr. Astorino: I understand that. But let's make it clean. Put a note on there to that effect.

Kirk Rother: Ok. That is fine.

Mr. Astorino: Do you have anything else?

Mary Pat Barlow-Layne: No. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Eagle Crest of Warwick application? Let the record show no further public comment.

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

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

Kirk Rother: On that Line-Of-Sight Analysis, we do show a building height that would exceed 25 feet. What is the Board's feeling on that? John would ask that he would be allowed to build a house similar to the houses that you have seen out there. They are not 35 feet by the definition of your Code because it is measured to an average roof height. I would say that they are closer to 30 feet in height. He asked me to ask the Board.

Mr. Astorino: Ted, what was the Line-Of-Sight?

Kirk Rother: They are set way down below.

Mr. Astorino: I know that. That is not the issue.

Mr. Fink shows the Line-Of-Sight to Ben and Kirk and discusses the issue with the Line-Of-Sight.

Mr. Astorino: The Code doesn't say that you have to not see it. You are going to see it. We understand that.

Mr. Bollenbach: It is to try to buffer it as much as you can.

Mr. Astorino: Looking at the Line-Of-Sight, is this home at 35 feet?

Kirk Rother: The way your Code defines height, it is probably closer to 30 feet.

Mr. Astorino: I don't see it as an issue. Do any Board members have any problems with it?

Mr. Kennedy: No.

Mr. McConnell: No.

Mr. Astorino: Ok. We will leave it as it is.

Kirk Rother: Ok.

Ms. Little makes a motion for the Negative Declaration.

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

617.12(b)

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

**Name of Action:** Eagle Crest Subdivision

**Whereas**, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed three lot subdivision of Tax lot 23-1-11.2, Town of Warwick, Orange County, New York, and

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

**Whereas**, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated October 10, 2014, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

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

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

Mr. Kennedy makes a motion on the Eagle Crest of Warwick Subdivision, granting Preliminary Approval for a proposed 3-Lot Cluster subdivision, situated on tax parcel S 23 B 1 L 11.2; parcel located on the northeastern side of Hambletonian Road 1590 feet north of Ridge Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on October 7, 2015.

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

Kirk Rother: This application needs to have Final Approval. I ask the Board to please waive the Final Public Hearing and for the Board to grant conditional final approval.

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

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

Mr. McConnell makes a motion to Waive RL-O Building Height not to exceed 32 feet for Lot #1 and the house location to be moved 10 feet south on Lot #1 and not to be moved without Planning Board Approval.

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

Mr. Kennedy makes a motion on the Eagle Crest of Warwick subdivision, granting Final Approval for a proposed 3-Lot Cluster subdivision, situated on tax parcel S 23 B 1 L 11.2; parcel located on the northeastern side of Hambletonian Road 1590 feet north of Ridge Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on October 7, 2015. Approval is granted subject to the following conditions:

1. Location map is not current; please update.
2. Identify adjacent property owners within 200-ft of the property boundaries, including name, location, and width.
3. The proposed and existing property lines appear identical in the Legend, located on Sheet 1; Applicant to clarify.
4. The open space and building setback line types should be added to the Legend on Sheet 1.

5. There is a line that is offset 10-ft from the open space line of proposed Lot 3; applicant to clarify purpose of this line.
6. Applicant to consider continuous riprap protection between the driveway culverts on Lots 2 and 3.
7. Applicant to include a plat within the subdivision plan, including a surveyor signature and seal.
8. Septic pump details are referred to on Sheet 2 but do not appear to be included within the plan set.
9. Applicant to submit Town of Chester approved plans filed in the Orange County Clerk's Office for Eagle Crest, Sections 2 and 3, Amended Subdivision.
10. 911 addresses shown in tabular format on Sheet 1.
11. The declaration information for the Ridgeline Overlay notes, Agricultural Notes, Open Space Notes must be added to the plans.
12. Declaration that the Chester parcel and the Warwick parcel shall not be transferred separately.
13. Applicant to provide shared driveway agreement for proposed Lots 2 and 3.
14. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at all conservation area corners.
15. Payment in lieu of parkland fees per §75-3.A(2)(a)(3) for 2 lots.
16. Payment of all fees.
17. RL-O Building Height Waived to not exceed 32' for Lot #1. House location to be moved 10-Feet south on Lot #1 and not to be moved without Planning Board Approval.

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

Kirk Rother: Thank you.

**Review of Submitted Maps:*****The Gables At Warwick Subdivision***

Application for “**Amended**” Final Approval of a proposed 15-Lot Cluster subdivision, situated on tax parcel S 44 B 1 L 132; parcel located on the southern side of State Hwy 17A at the intersection of east end of Ketchum Road, in the RU zone, of the Town of Warwick. Original conditional final approval was granted on 12/5/07.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Bruce Zaretsky, Applicant.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – pending comments
4. Architectural Review Board – pending comments
5. OC Planning Department – pending comments
6. TW Building Department – vacant; no violations
7. NYSDOT – Applicant to provide status of approval
8. Updated wetland mapping must be submitted.
9. An aquifer assessment will need to be submitted.
10. The Biodiversity Conservation Overlay District overlay must be included on Sheet 1, Note 17.
11. A note shall be added to the plan stating that the plan will be in compliance with lighting §164-43.4.
12. The proposed road is proposed to be offered for dedicated to the Town of Warwick (Sheet 1, Note 14).
13. The water supply will be reviewed and approved by Orange County Department of Health.
14. The septic systems will be reviewed and approved by Orange County Department of Health.
15. If the Notice of Intent was previously submitted to NYSDEC; this information shall be submitted to the Town to confirm “grandfathering” of the stormwater plan.
16. Applicant to confirm that the proposed stormwater is in compliance with the Town’s stormwater code.
17. Applicant to confirm that the landscaping proposed is in compliance with the Town code requirements.
18. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”
19. Applicant to clarify if the revised property lines will require the removal of any significant trees identified on Sheet 1, Note 24.
20. Sheet 1, Note 12 (no future subdivision with OCDOH approval) and Sheet 1, Note 27 (three additional lots can be subdivided because the Yield Plan had 18 lots) shall be combined into one note.
21. 12/06/07 In Sheet 1, 42 acres of open space is listed in Note [18]. On Sheet 2, the Dimensional [Standards] lists 41.7 acres of proposed open space while the Open Space Requirements and Restrictions Notes list [41.7] acres of open space. Revise for actual area. On Sheet 4A, area of open space in Lot 7 is obscured.

22. 12/06/07 Insert the following note as note 1 of the Construction Notes (sheet 2) and the Sequence of Major Activities (sheet 7); "Attend a pre-construction meeting with the Town Engineer's representative and provide a schedule for construction. Schedule must be regularly updated as construction progresses."
23. 12/06/07 Show eight trees to be planted do each lot for screening, per §164-47.1F(3)(c)[1], on the Typical Lot Layout, sheet 16. Revise landscape screening along Route 17A to Town Planner's specifications.
24. 12/06/07 Identify significant trees on Landscape Plan [sheet 25]. Reference details and notes for the preservation of significant trees on site.
25. 12/06/07 Show temporary and permanent erosion control measures on the Erosion Control Plans [sheets 5 & 6] for all stormwater management facilities and disturbed areas.
26. 12/06/07 Revise Lot Layout Plan [Sheets 4A & 4B] so that metes and bounds are consistent with the final lot layout. Eliminate overlapping text.
27. 12/06/07 Double silt fence is not standard. Use methods listed in the *NYS Standards* revise erosion control measures along Road "B" Station 14+25 [sheet 5].
28. 12/06/07 Per §A168-10D, testing of the road subgrade and design of the pavement is required. Provide map note to Town Engineer's specifications.
29. 12/06/07 Revise the Road Cross Section (sheet 17) per §A168-11 & 21A, B, D, & E and pavement design. Revise the Driveway Cross Section per §A168-19.
30. 12/06/07 At stormwater management ponds, indicate a pond buffer extending out 25 feet from the maximum water surface elevation [sheets 5 & 6].
31. 12/06/07 At the Detention Basin D-1 Detail (sheet 10), provide elevations of the pond bottom, outlet structure invert, top of drop inlet, and top of embankment, consistent with the SWPPP.
32. 12/06/07 Provide Model Home and Water District Notes per the Planning Board Attorney's specifications.
33. 12/06/07 Town Board to approve Water and Drainage Districts Notes per Planning Board Attorney's specifications.
34. 12/06/07 Applicant to provide signed and sealed copy of the final revised SWPPP and copy of the submitted NOI.
35. 12/06/07 Provide the declaration and recording information on the plan for the for the current Ridgeline Overlay Notes, current Aquifer Protection Overlay Notes, Open Space Conservation, and Homeowner's Association to the PB Attorney's specifications.
36. 12/06/07 Provide the declaration and recording information on the plan for HOA ownership and maintenance of drainage and stormwater management facilities. Provide easement descriptions for the PB Attorney's review and approval.
37. 12/06/07 List all dedicated areas and easements, their locations in the plan set, and recording information (date, liber, and page) on sheet 2.
38. 12/06/07 Pay Performance Bond and Construction Inspection Fee for Town road, Stormwater Management Facilities, and Erosion Control.
39. 12/06/07 Pay Landscape Maintenance Bond (three-year term) for screening plantings and hydric plantings at stormwater management facilities.
40. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at all conservation area corners.
41. Payment of lieu of parkland fees per §75-3.A(2)(a)(3) for 15 lots.
42. Payment of all fees.

The following comment submitted by the Conservation Board:

The Gables At Warwick – None submitted.

The following comment submitted by the ARB:

The Gables At Warwick – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: Back in the year 2007 the Planning Board adopted a Negative Declaration on the project. The Negative Declaration included a provision that if the water supply system which was proposed at the time as a central water system taking the water from the BCM project, if that was to change the Negative Declaration would either have to be amended or rescinded. We discussed this with the applicant at the Work Session. At this point, we have asked them to prepare an Aquifer Impact Assessment. This project is located in the Aquifer Overlay District. I think we are proceeding at this point with an assumption that the Aquifer Impact Assessment would come back and if everything looks favorable, then we would be in a position to amend the Negative Declaration. The only thing of any significance that has changed since it was approved in 2007.

Comment #2: Applicant to discuss project.

Dave Getz: We now show individual wells on each lot instead of the central water system. We did not move the road, drainage facilities, houses or anything else. Everything else would stay the same.

Comment #3: Conservation Board – pending comments

Comment #4: Architectural Review Board – pending comments

Comment #5: OC Planning Department – pending comments

Comment #6: TW Building Department – vacant; no violations

Comment #7: NYSDOT – Applicant to provide status of approval

Dave Getz: Will Do.

Comment #8: Updated wetland mapping must be submitted.

Dave Getz: Ok.

Comment #9: An aquifer assessment will need to be submitted.

Dave Getz: Ok.

Comment #10: The Biodiversity Conservation Overlay District overlay must be included on Sheet 1, Note 17.

Dave Getz: Ok.

Comment #11: A note shall be added to the plan stating that the plan will be in compliance with lighting §164-43.4.

Dave Getz: Ok. We are good with the rest of these comments. We don't need to go through the rest of them.

Mr. Astorino: Yes. Most of these comments are from the 2007 final approval. Laura, are there any comments here that you think we should go through or do you think they are straight-forward?

Laura Barca: They are all straight-forward.

Mr. Astorino: Ok.

Dave Getz: I would like to ask about two of the comments from 2007. Comment #28 is about testing of the road subgrade. That would be something that the applicant would like to pursue instead of just going with the standard.

Laura Barca: Ok.

Dave Getz: What is the process of that? Does that have to happen after or before approval?

Laura Barca: I believe we have done it once before and it was done before approval.

Mr. Bollenbach: It is really the applicant's option.

Dave Getz: Ok.

Mr. Bollenbach: You could either do the engineering beforehand or wait until you do the testing.

Dave Getz: Get approval for a change before construction. Is that correct?

Laura Barca: Right. As long as your plan shows the standard. If you want to deviate from it, you would then have to show the lab results and whatever to reduce it later.

Dave Getz: Ok. Comment #33 relates to Drainage District notes and Town Board review. How does that process work?

Mr. Bollenbach: That would be something that would have to be formed like a HOA (Homeowners Association).

Laura Barca: Right. Is there a HOA(Homeowners Association)? Who is proposing to maintain the drainage?

Mr. Bollenbach: That is generally one of the options to have an HOA (Homeowners Association) with a backup drainage district. In the event the HOA or the Developer doesn't maintain it properly, then it gets put out to bid and becomes a tax on the individual lots.

Dave Getz: I guess the Town would not be maintaining the drainage?

Mr. Bollenbach: No.

Dave Getz: It is a Town road.

Mr. Astorino: We are not maintaining it. The drainage structures are now to a HOA or some Drainage District that would eventually be approved by the Town Board.

Mr. Bollenbach: Correct.

Dave Getz: Ok.

Mr. Astorino: That was the norm on all of these. It still is.

Mr. Bollenbach: There would also be Town Board approvals with the Cluster for any affordable units. Are there any affordable units involved with this? There is now an affordable housing provision.

Mr. Astorino: I don't think there was on this application.

Dave Getz: No. There was not.

Mr. Bollenbach: That would be something that would have to be brought up to the Town Board.

Bruce Zaretsky: I don't remember it ever being discussed.

Mr. Fink: John, wasn't that already in place when this was approved?

Mr. Bollenbach: I thought it was.

Mr. Fink: I think it was in place before 2007.

Mr. Bollenbach: Ted, we will have to take a look at that.

Mr. Astorino: I don't remember that on this project whatsoever. BCM and Gables was running neck to neck at that time. We will look back on that.

Dave Getz: Ok.

Mr. Astorino: We will list Comments #12 through #42 for the record.

Dave Getz: Yes. We understand that we are back before the OCHD to get their review and approval. Once we address their requirements, we ask the Board to set us for a Public Hearing.

Mr. McConnell: I have a question. Ted, regarding the Bio-Diversity that wasn't part of 2007. Is that correct?

Mr. Fink: No. That is new.

Mr. McConnell: Ok. Does that require a relook at the Negative Declaration?

Mr. Fink: It may. When I looked at the actual boundary of the Bio-Diversity Conservation District on the map....

Mr. Bollenbach: It wasn't in the development area.

Mr. Fink: It only skirted a very small part of the open space.

Mr. McConnell: That is the very back end.

Mr. Fink: Yes. It doesn't look like it is part of the district.

Mr. Bollenbach: It just has to be addressed.

Mr. McConnell: Ok.

**Mr. McConnell makes a motion to set the Gables At Warwick Application for a Final Public Hearing at the next available agenda.**

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

Dave Getz: Thank you.

Bruce Zaretsky: Thank you.

Comment #12: The proposed road is proposed to be offered for dedicated to the Town of Warwick (Sheet 1, Note 14).

Comment #13: The water supply will be reviewed and approved by Orange County Department of Health.

Comment #14: The septic systems will be reviewed and approved by Orange County Department of Health.

Comment #15: If the Notice of Intent was previously submitted to NYSDEC; this information shall be submitted to the Town to confirm "grandfathering" of the stormwater plan.

Comment #16: Applicant to confirm that the proposed stormwater is in compliance with the Town's stormwater code.

Comment #17: Applicant to confirm that the landscaping proposed is in compliance with the Town code requirements.

Comment #18: Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained."

Comment #19: Applicant to clarify if the revised property lines will require the removal of any significant trees identified on Sheet 1, Note 24.

Comment #20: Sheet 1, Note 12 (no future subdivision with OCDOH approval) and Sheet 1, Note 27 (three additional lots can be subdivided because the Yield Plan had 18 lots) shall be combined into one note.

Comment #21: 12/06/07 In Sheet 1, 42 acres of open space is listed in Note [18]. On Sheet 2, the Dimensional [Standards] lists 41.7 acres of proposed open space while the Open Space Requirements and Restrictions Notes list [41.7] acres of open space. Revise for actual area. On Sheet 4A, area of open space in Lot 7 is obscured.

Comment #22: 12/06/07 Insert the following note as note 1 of the Construction Notes (sheet 2) and the Sequence of Major Activities (sheet 7); "Attend a pre-construction meeting with the Town Engineer's representative and provide a schedule for construction. Schedule must be regularly updated as construction progresses."

Comment #23: 12/06/07 Show eight trees to be planted on each lot for screening, per §164-47.1F(3)(c)[1], on the Typical Lot Layout, sheet 16. Revise landscape screening along Route 17A to Town Planner's specifications.

Comment #24: 12/06/07 Identify significant trees on Landscape Plan [sheet 25]. Reference details and notes for the preservation of significant trees on site.

Comment #25: 12/06/07 Show temporary and permanent erosion control measures on the Erosion Control Plans [sheets 5 & 6] for all stormwater management facilities and disturbed areas.

Comment #26: 12/06/07 Revise Lot Layout Plan [Sheets 4A & 4B] so that metes and bounds are consistent with the final lot layout. Eliminate overlapping text.

Comment #27: 12/06/07 Double silt fence is not standard. Use methods listed in the *NYS Standards* revise erosion control measures along Road "B" Station 14+25 [sheet 5].

Comment #28: 12/06/07 Per §A168-10D, testing of the road subgrade and design of the pavement is required. Provide map note to Town Engineer's specifications.

Comment #29: 12/06/07 Revise the Road Cross Section (sheet 17) per §A168-11 & 21A, B, D, & E and pavement design. Revise the Driveway Cross Section per §A168-19.

Comment #30: 12/06/07 At stormwater management ponds, indicate a pond buffer extending out 25 feet from the maximum water surface elevation [sheets 5 & 6].

Comment #31: 12/06/07 At the Detention Basin D-1 Detail (sheet 10), provide elevations of the pond bottom, outlet structure invert, top of drop inlet, and top of embankment, consistent with the SWPPP.

Comment #32: 12/06/07 Provide Model Home and Water District Notes per the Planning Board Attorney's specifications.

Comment #33: 12/06/07 Town Board to approve Water and Drainage Districts Notes per Planning Board Attorney's specifications.

Comment #34: 12/06/07 Applicant to provide signed and sealed copy of the final revised SWPPP and copy of the submitted NOI.

Comment #35: 12/06/07 Provide the declaration and recording information on the plan for the for the current Ridgeline Overlay Notes, current Aquifer Protection Overlay Notes, Open Space Conservation, and Homeowner's Association to the PB Attorney's specifications.

Comment #36: 12/06/07 Provide the declaration and recording information on the plan for HOA ownership and maintenance of drainage and stormwater management facilities. Provide easement descriptions for the PB Attorney's review and approval.

Comment #37: 12/06/07 List all dedicated areas and easements, their locations in the plan set, and recording information (date, liber, and page) on sheet 2.

Comment #38: 12/06/07 Pay Performance Bond and Construction Inspection Fee for Town road, Stormwater Management Facilities, and Erosion Control.

Comment #39: 12/06/07 Pay Landscape Maintenance Bond (three-year term) for screening plantings and hydric plantings at stormwater management facilities.

Comment #40: Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at all conservation area corners.

Comment #41: Payment of lieu of parkland fees per §75-3.A(2)(a)(3) for 15 lots.



**Other Considerations:**

1. Planning Board Minutes of 9/2/15 for PB Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 9/2/15.

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

2. Planning Board to discuss cancelling the 10/12/15 Work Session & 10/21/15 PB Meeting. Due to no submittals.

Ms. Little makes a motion to cancel the 10/12/15 Work Session & 10/21/15 PB Meeting.

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

3. **GABLES Subdivision** – Letter from Karen Emmerich, Lehman & Getz Engineering dated 9/15/15 addressed to the Planning Board in regards to the Gables Subdivision – requesting 6<sup>th</sup>, 7<sup>th</sup> 8<sup>th</sup> Re-Approvals of conditional final approval + (2)-6 Month Extensions of a proposed 15-Lot Cluster subdivision, situated on tax parcel SBL # 44-1-132; parcel located on the southern side of State Hwy 17A at the intersection of east end of Ketchum Road, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 12/5/07. *The applicants submitted revised subdivision plans and would like to revise/amend their original final approval that was granted on 12/5/07.* 6<sup>th</sup> Re-Approval of Conditional Final Approval becomes effective on 12/5/13. 6-Month Extension on 6<sup>th</sup> Re-Approval becomes effective on 6/5/14. 7<sup>th</sup> Re-Approval of CFA becomes effective on 12/5/14. 6-Month Extension on 7<sup>th</sup> Re-Approval becomes effective on 6/5/15. 8<sup>th</sup> Re-Approval of CFA becomes effective on 12/5/15, subject to the conditions of final approval granted on 12/5/07.

Ms. Little makes a motion on the Gables At Warwick application, granting **6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> Re-Approval of Final Approval** + (2) 6-Month Extensions of a proposed 15-Lot Cluster subdivision, situated on tax parcel SBL #44-1-132; parcel located on the southern side of State Highway 17A at the intersection of east end of Ketchum Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. Conditional Final Approval was granted on 12/5/07.

The 6<sup>th</sup> Re-Approval of Final Approval becomes effective on 12/5/13, subject to the CFA granted on 12/5/07.

The 6-Month Extension on 6<sup>th</sup> Re-Approval becomes effective on 6/5/14.

The 7<sup>th</sup> Re-Approval of Final Approval becomes effective on 12/5/14, subject to the CFA granted on 12/5/07.

The 6-Month Extension on 7<sup>th</sup> Re-Approval becomes effective on 6/15/15.

The 8<sup>th</sup> Re-Approval of Final Approval becomes effective on 12/5/15, subject to the CFA granted on 12/5/07.

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

4. **BCM Development** – Letter from Tony Ciallella, BCM Development, dated 9/16/15 addressed to the Planning Board in regards to the BCM Subdivision – requesting 5<sup>th</sup> Re-Approval of Final Approval on Sectionalizing Plan & for Section I (12-Lots) + (4)- 6 Month Extensions on Preliminary Approval on the Sectionalizing plan for filing a 42-Lot subdivision in Sections, situated on tax parcel SBL # 44-1-133; parcel located along the northerly side of State Highway 17A 500 feet east of Ketchum Road & Pumpkin Hill Road, in the SL zone of the Town of Warwick. Preliminary Approval on Sectionalizing Plan & Conditional Final Approval on Section I (12-Lots) was granted on 9/1/10. *The Applicant has stated that the Re-Approval and Extensions are needed due to the continued depressed state of the single family real estate market.* The 5<sup>th</sup> Re-Approval of Final Approval on Sectionalizing Plan for Section I becomes effective on 9/1/15, subject to the conditions of Final Approval granted on 9/1/10. The (4) 6-Month Extensions on Preliminary Approval on the Sectionalizing Plan becomes effective on 3/1/14, 9/1/14, 3/1/15, & 9/1/15.

Ms. Little makes a motion on the BCM Development application, granting granted 5<sup>th</sup> **Re-Approval** of Final Approval for Section I + (4) 6-Month Extensions on Preliminary Approval on the Sectionalizing Plan for filing a 42-Lot subdivision in Sections, situated on tax parcel SBL # 44-1-133; parcel located along the northerly side of State Highway 17A 500 feet east of Ketchum Road and Pumpkin Hill Road, in the SL zone, of the Town of Warwick, County of Orange, State of New York. Preliminary Approval on Sectionalizing Plan and Conditional Final Approval on Section I (12-Lots) was granted on 9/1/10.

The 5<sup>th</sup> Re-Approval of Final Approval on Sectionalizing Plan for Section I becomes effective on 9/1/15, subject to the conditions of Final Approval granted on 9/1/10.

The (4) 6-Month Extensions on Preliminary Approval on the Sectionalizing Plan becomes effective on 3/1/14, 9/1/14, 3/1/15 and 9/1/15.

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

Mr. Astorino: John, do you know anything on them or is this a wishful thing on their part?

Mr. Bollenbach: It is still pending.

Mr. Astorino: Ok. Say that BCM does proceed in Tony's favor, how does this work with the water system with Gables?

Mr. Bollenbach: That is why I am going to bring it to the Board's attention. There was a water system agreement between BCM, Gables and the Town. It was to be for the expansion of the Bellvale Water District. There are provisions in there that in the event BCM did not proceed that Gables could go and do the individual septic. In the event that BCM does come back, they would have to be revisited.

Mr. Astorino: Ok.

5. **Round Hill Subdivision** – Letter from Steven Spiegel, Esq., dated 9/23/15 addressed to the Planning Board in regards to the Round Hill Subdivision – requesting 9<sup>th</sup>-Re-Approval of Final Approval of a proposed 19-Lot + 1-Ag Lot Cluster subdivision, situated on tax parcel SBL #7-2-51.1; parcel located along the northerly side of Wheeler Road between Meadow Road and Hunt Drive, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 10/18/06. *Due to the continuing depressed economy the Re-Approval is needed.* The 9<sup>th</sup> Re-Approval of Final Approval becomes effective on 10/18/15, subject to the conditions of final approval granted on 10/18/06.

Ms. Little makes a motion on the Round Hill Subdivision application, granting **9<sup>th</sup> Re-Approval** of Final Approval of a proposed 19-Lot + 1-Ag Lot cluster subdivision, entitled, **“Round Hill Subdivision”**, formerly Wheeler Estates, located on tax parcel S 7 B 2 L 51.1; parcel located along the northerly side of Wheeler Road between Meadow Road and Hunt Drive, in the RU zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of Final Approval granted on, 10/18/06.

The 9<sup>th</sup> Re-Approval of Final Approval becomes effective on, 10/18/15, subject to the conditions of Final Approval granted on, 10/18/06.

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

#### **Correspondences:**

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

Connie Sardo: No.

#### **Privilege Of The Floor For Agenda Items!!**

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

#### **Ms. Little makes a motion to adjourn the October 7, 2015 Planning Board Meeting.**

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