

TOWN OF WARWICK PLANNING BOARD

October 16, 2013

Members present: Chairman, Benjamin Astorino
Roger Showalter, Vice-Chairman
Dennis McConnell, Beau Kennedy,
Paul Ruszkiewicz, 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, October 16, 2013 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

PUBLIC HEARING OF WVLDC Lot #1 Subdivision

Application for Preliminary Approval of a proposed 10-Lot Subdivision and an application for Site Plan Approval and Special Use Permit for the construction and use of special use # 19, 43, & 57, situated on tax parcel S 46 B 1 L 9.1; parcel located on the western side of State School Road 3200 feet south of Kings Highway, in the OI zone, of the Town of Warwick, County of Orange, State of New York. The proposed subdivision was classified by the Town of Warwick Planning Board, acting as Lead Agency under the State Environmental Quality Review Act (SEQR), as a Type 1 Action.

Representing the applicant: Keith Woodruff and Ross Winglovitz, Engineering Properties.

Connie Sardo: Mr. Chairman, I received the certified mailings for the WVLDC public hearing.

Mr. Astorino: Thank you.

The following comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 08/19/13 site inspection requested, larger map, schedule of application; 10/09/13 no comments
4. Architectural Review Board comments: pending
5. OC Planning Department: pending submittal
6. Applicant is requesting a waiver for the required cul-de-sac length.
7. Applicant to provide deed of property.
8. The 9-1-1 addresses must be included on Sheet 1.
9. Applicant to provide a table of threshold values for each criterion as it relates to each lot on the plan set. This table will determine if a specific use can get a building department

permit or if Planning Board approval is required. These threshold values will clearly show how much water and sewer capacity is available for this subdivision.

10. Applicant to revise cul-de-sac shape and center as discussed during meetings.
11. Applicant shall provide dimensions of the cul-de-sac including lane width and radius.
12. Applicant shall provide a truck turning movement diagram for the proposed cul-de-sac to demonstrate the required turning width for fire trucks and delivery trucks to the future commercial uses.
13. Applicant to provide locations for proposed water lines, including connection to the existing water system. (Pending HDR review).
14. Applicant to provide locations for proposed sewer lines, including connection to the existing sewer system. (Pending HDR review).
15. The driveway grading for Lot #8 may need to be completed as part of the roadway grading; otherwise temporary easement may be required to complete the driveway installation. Due to the proximity of Pretreatment Pond E2 Upper and Infiltration E2 lower to the future driveway, preliminary grading should be shown for the driveway to ensure the future grading will not encroach on the basins.
16. The entity responsible for the ownership and maintenance of the stormwater basins must be identified on the plan.
17. An application must be made to the Town Board to extend the existing water district to include the proposed lots for development. (Pending Town Board).
18. 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."
19. Sheet C-100:
 - a. Label the dimensions for the front, side, and rear setbacks for each proposed lot.
 - b. There are two leaders and one dimension line in Lot 6 that do not relate to the plan.
 - c. General Note 10 states "To prevent infiltration (Per AQ-O district use restrictions)...a liner...shall be installed at all stormwater management basins." This note should be clarified as there are infiltration basins proposed as part of the stormwater management plan.
 - d. Aquifer Protection Note 2 states "Stormwater Runoff Infiltration Basins are conditionally prohibited." The applicant shall revise the stormwater management plan to address the conditions of this note.
20. Sheet C-101:
 - a. On the road profile, call out the actual separation distance where water and sewer mains cross.
 - b. Label the location of the temporary sediment basins.
 - c. Silt fence shall be located a minimum of 10 feet from the toe of the slope. Revise the location of the silt fence to provide the required distance.
 - d. Provide a limit of disturbance line on the drawing.
21. Sheet C-102:
 - a. On the road profile, call out the actual separation distance where water and sewer mains cross.
 - b. Label the location of the temporary sediment basins.
 - c. Silt fence shall be located a minimum of 10 feet from the toe of the slope. Revise the location of the silt fence to provide the required distance.
 - d. Provide a limit of disturbance line on the drawing.
22. For clarity purposes, it is recommended that a separate Erosion and Sediment Control plan be prepared.

23. Proposed grading for the roadway between Sta. 5+00 and 6+00 encroaches on the neighboring property to the North. The applicant should remove disturbance to the neighboring property or obtain a temporary easement for construction.
24. Sheet C-202:
 - a. Step 2 of the Sequence of Construction Activity, refers to erosion control and phasing plans for detailed phasing. Erosion control and phasing plans were not provided. Provide these plans or revise the sequence of construction to be site specific.
 - b. Erosion and Sedimentation Control Note 3D should be revised to reflect the seeding requirements described on page 18 of the Stormwater Pollution Prevention Plan Narrative.
 - c. Note 9 of the Earthwork Construction Notes should be revised to reflect the nomenclature of the proposed stormwater basins for this site. The note refers to Pre-treatment Pond 5C and Infiltration Pond 2C which are not part of this plan.
25. Provide a maintenance access path to each stormwater basin.
26. Provide a cross section of each pre-treatment basin and infiltration basin and demonstrate the required separation distance between the bottom of the basin and groundwater or bedrock.
27. Provide a detail of the infiltration basin outlet structure.
28. Provide a detail of the proposed emergency overflow outlet for the infiltration basins.
29. Provide sizing calculations for all swales to demonstrate the swale can convey the stormwater runoff at non-erosive velocities.
30. Note that the NYSDEC has updated the Notice of Intent to obtain coverage under GP-0-10-001. The draft of the updated version of the NOI shall be submitted for review.
31. The SWPPP states that lots 5, 6, 7, 9 and 10 have potential to be tributary to the road or stormwater ponds E2 and E3.
 - a. The CN calculations should be revised to delineate the difference between what is being constructed as part of the road and what is being constructed in the future for these lots (i.e. 40% future build out).
 - b. The drainage map should be revised to show the future build out of the lots draining to the stormwater basins.
 - c. The RRv criteria should be revised to take the build-out of these 5 lots into account.
32. The SWPPP shall be revised to include the following as required by §164-47.10 of the Town of Warwick Code:
 - a. Notice of ground disturbance
 - b. Five Better site design practices as outlined in section E.3.c.
 - c. Identify the on-site storage location for the SWPPP and all relevant records and certifications, including inspection reports, post-construction maintenance requirements and the entity responsible for such maintenance.
 - d. Construction phasing plan describing the intended sequence of construction activities.
 - e. Delineation of the SWPPP implementation responsibilities for each part of the site.
 - f. Maintenance schedule for each erosion control practice
 - g. Construction site waste management plan.
 - h. List all other permits required for this application.
 - i. Contractor certification statement as outlined in GP-0-10-001.
 - j. All maintenance, inspection, and repair agreements as outlined in §164-47.10 Section H

33. The stormwater percolation and deep hole testing (TP-01, TP-02 and TP-04) for this design were not performed in accordance with Appendix D of the NYS Stormwater Management Design Manual.
 - a. Percolation/Infiltration testing is required to be performed at a depth of 2 feet below the proposed SMP bottom. In addition, the testing is to be performed in a casing with 24 inches of water for a total time of 1 hour for each run (or until the casing empties).
 - b. Deep hole testing is required to be performed to a depth of 4 feet below the bottom of the proposed practice to demonstrate the required separation distances.
34. The stormwater modeling for pre-treatment basins B2 Upper, E2 Upper and E3 Upper shall be revised to reflect the permanent pool that will form as a result of the elevation difference between the bottom of the basin and the invert of the first outlet. Because the pre-treatment basins have clay liners, they will not drain out between storm events.
35. Provide calculations to demonstrate the required 100% pre-treatment volume is provided for the infiltration practices.
36. Provide a method for dewatering the infiltration basins in the event of failure.
37. Applicant to confirm that submittal has been made to Orange County Soil and Water regarding the development within Agricultural District No. 2.
38. Applicant to provide Jurisdictional Determination Letter from NYSDEC regarding wetlands.
39. Water Main Extension Report pending Orange County Department of Health review.
40. Sewer Main Extension Report pending New York State Department of Environmental Conservation review.
41. A note should be added to the plan stating that, "Any tree greater than four inches diameter breast height (DBH) within the development area be removed between October 1 and March 31."
42. Applicant to clarify if a conservation easement is proposed in the areas where the NYSDEC wetland buffer area is located on Lots 2, 7, and 8.
43. Surveyor to certify that iron rods have been set at all property corners.
44. The declaration for the Agricultural Notes and Aquifer Protection Overlay notes must be added to the plans.
45. Payment of all fees.

The following comment submitted by the Conservation Board, dated 10/9/13:

WVLDC Lot #1 Subdivision – The CB commends the Town and PB for moving so swiftly to develop the old prison. There appear to be minor intrusions into wetland buffer areas, over all the proposed 10-lot subdivision looks great.

The following comment submitted by the ARB:

WVLDC Lot #1 Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This is a Type 1 Action under SEQR. The reason being is that it is a non-residential that it involves physical alteration of more than 10 acres of land. There were 2 Involved Agencies which are OCHD and the NYSDEC. The Planning Board declared its intent to be Lead Agency. I know that we received back from the DEC about the Planning Board acting as Lead Agency. Connie, have we received anything back from the OCHD?

Connie Sardo: No. Not yet.

Mr. Fink: Ok. As soon as the 30 days has passed, the Planning Board would be Lead Agency. I am sure we would be. I have never heard of the OCHD wanting to be Lead Agency under SEQR. We have received from the applicant the extended EAF. It is clearly an extensive document already. It was very well prepared. We are still waiting for a couple of things. One of the documents that came in was the Archeological study. This project does require State permits. They have to sign off on the cultural resource aspects of it. We sent out a copy of the study a couple of weeks ago to SHPO. We are asking them if they have any comments. We assume that we would be getting a letter stating that there would be no adverse impacts and therefore it is in compliance with the State's work preservation act. We haven't received that letter yet. I made a call to the State asking them whether or not they had any questions or if not, when they would be able to complete their review. We assume that it will happen. As part of the extended EAF, we got an endangered threatened species report. That report was prepared by ERS Consultants. I talked to Dave Griggs & Ross about making some changes that would put them more in line with the Town's Biodiversity Habitat Assessment Guidelines. They are working on that. We are also waiting for the Traffic Study on this project. That is the biggest outstanding item at this point that we are waiting for.

Comment #2: Applicant to discuss project.

Ross Winglovitz. Mr. Chairman, do you want me to do a presentation on this now or wait until we go through the comments?

Mr. Astorino: Let me go through a couple of these first comments. Do the Engineers have any comments that you want to go through? Many of these comments are engineering issues. There seems to be nothing out of the ordinary from what I see. Do any Board members have anything questions?

Comment #3: Conservation Board comments: 08/19/13 site inspection requested, larger map, schedule of application; 10/09/13 no comments

Comment #4: Architectural Review Board comments: pending

Comment #5: OC Planning Department: pending submittal

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

Mr. Astorino: We know about that.

Comment #7: Applicant to provide deed of property.

Mr. Astorino: We are waiting for that.

Mr. Bollenbach: Ben, there was a comment from the Conservation Board dated, 10/16/13 stated as follows: "*The CB commends the Town and PB for moving so swiftly to develop the old prison. There appear to be minor intrusions into wetland buffer areas, over all the proposed 10-lot subdivision looks great*". As far as the minor wetland intrusion, they would not impact beyond the building envelopes. It is de-minimis

Mr. Astorino: Ok. Laura, are there any comments that stand out other than the standard comments here?

Laura Barca: No.

Mr. Astorino: Ross, do you have any comments you want to go through?

Ross Winglovitz: No.

Mr. Astorino: Ok. We will list Comments 8 through 15 for the record.

Comment #8: The 9-1-1 addresses must be included on Sheet 1.

Comment #9: Applicant to provide a table of threshold values for each criterion as it relates to each lot on the plan set. This table will determine if a specific use can get a building department permit or if Planning Board approval is required. These threshold values will clearly show how much water and sewer capacity is available for this subdivision.

Comment #10: Applicant to revise cul-de-sac shape and center as discussed during meetings.

Comment #11: Applicant shall provide dimensions of the cul-de-sac including lane width and radius.

Comment #12: Applicant shall provide a truck turning movement diagram for the proposed cul-de-sac to demonstrate the required turning width for fire trucks and delivery trucks to the future commercial uses.

Comment #13: Applicant to provide locations for proposed water lines, including connection to the existing water system. (Pending HDR review).

Comment #14: Applicant to provide locations for proposed sewer lines, including connection to the existing sewer system. (Pending HDR review).

Comment #15: The driveway grading for Lot #8 may need to be completed as part of the roadway grading; otherwise temporary easement may be required to complete the driveway installation. Due to the proximity of Pretreatment Pond E2 Upper and Infiltration E2 lower to the future driveway, preliminary grading should be shown for the driveway to ensure the future grading will not encroach on the basins.

Comment #16: The entity responsible for the ownership and maintenance of the stormwater basins must be identified on the plan.

Mr. Astorino: That would be for the swales and the cul-de-sac and whatever else they would like to do in there.

Mr. Bollenbach: Yes. There would be drainage in there.

Mr. Astorino: Ok. Do any Board members have any comments?

Mr. McConnell: What is the status of Comment #9?

Mr. Astorino: Comment #9 states, “Applicant to provide a table of threshold values for each criterion as it relates to each lot on the plan set. This table will determine if a specific use can get a building department permit or if Planning Board approval is required. These threshold values will clearly show how much water and sewer capacity is available for this subdivision”.

Ross Winglovitz: We sat down and had a meeting about this. I prepared the table from pulling information out of the SEQR document. We are putting it together with the professionals.

Mr. McConnell: So, it is in progress.

Ross Winglovitz: Yes.

Mr. McConnell: Thank you.

Mr. Astorino: Ok. Do any other Board members have any comments? We will list Comments 17 through 45 for the record.

Comment #17: An application must be made to the Town Board to extend the existing water district to include the proposed lots for development. (Pending Town Board).

Comment #18: 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.”

Comment #19: Sheet C-100:

- a. Label the dimensions for the front, side, and rear setbacks for each proposed lot.
- b. There are two leaders and one dimension line in Lot 6 that do not relate to the plan.
- c. General Note 10 states “To prevent infiltration (Per AQ-O district use restrictions)...a liner...shall be installed at all stormwater management basins.” This note should be clarified as there are infiltration basins proposed as part of the stormwater management plan.
- d. Aquifer Protection Note 2 states “Stormwater Runoff Infiltration Basins are conditionally prohibited.” The applicant shall revise the stormwater management plan to address the conditions of this note.

Comment #20: Sheet C-101:

- a. On the road profile, call out the actual separation distance where water and sewer mains cross.
- b. Label the location of the temporary sediment basins.
- c. Silt fence shall be located a minimum of 10 feet from the toe of the slope. Revise the location of the silt fence to provide the required distance.
- d. Provide a limit of disturbance line on the drawing.

Comment #21: Sheet C-102:

- a. On the road profile, call out the actual separation distance where water and sewer mains cross.
- b. Label the location of the temporary sediment basins.

- c. Silt fence shall be located a minimum of 10 feet from the toe of the slope. Revise the location of the silt fence to provide the required distance.
- d. Provide a limit of disturbance line on the drawing.

Comment #22: For clarity purposes, it is recommended that a separate Erosion and Sediment Control plan be prepared.

Comment #23: Proposed grading for the roadway between Sta. 5+00 and 6+00 encroaches on the neighboring property to the North. The applicant should remove disturbance to the neighboring property or obtain a temporary easement for construction.

Comment #24: Sheet C-202:

- a. Step 2 of the Sequence of Construction Activity, refers to erosion control and phasing plans for detailed phasing. Erosion control and phasing plans were not provided. Provide these plans or revise the sequence of construction to be site specific.
- b. Erosion and Sedimentation Control Note 3D should be revised to reflect the seeding requirements described on page 18 of the Stormwater Pollution Prevention Plan Narrative.
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Comment #25: Provide a maintenance access path to each stormwater basin.

Comment #26: Provide a cross section of each pre-treatment basin and infiltration basin and demonstrate the required separation distance between the bottom of the basin and groundwater or bedrock.

Comment #27: Provide a detail of the infiltration basin outlet structure.

Comment #28: Provide a detail of the proposed emergency overflow outlet for the infiltration basins.

Comment #29: Provide sizing calculations for all swales to demonstrate the swale can convey the stormwater runoff at non-erosive velocities.

Comment #30: Note that the NYSDEC has updated the Notice of Intent to obtain coverage under GP-0-10-001. The draft of the updated version of the NOI shall be submitted for review.

Comment #31: The SWPPP states that lots 5, 6, 7, 9 and 10 have potential to be tributary to the road or stormwater ponds E2 and E3.

- a) The CN calculations should be revised to delineate the difference between what is being constructed as part of the road and what is being constructed in the future for these lots (i.e. 40% future build out).
- b) The drainage map should be revised to show the future build out of the lots draining to the stormwater basins.
- c) The RRv criteria should be revised to take the build-out of these 5 lots into account.

Comment #32: The SWPPP shall be revised to include the following as required by §164-47.10 of the Town of Warwick Code:

- a. Notice of ground disturbance
- b. Five Better site design practices as outlined in section E.3.c.
- c. Identify the on-site storage location for the SWPPP and all relevant records and certifications, including inspection reports, post-construction maintenance requirements and the entity responsible for such maintenance.

- d. Construction phasing plan describing the intended sequence of construction activities.
- e. Delineation of the SWPPP implementation responsibilities for each part of the site.
- f. Maintenance schedule for each erosion control practice
- g. Construction site waste management plan.
- h. List all other permits required for this application.
- i. Contractor certification statement as outlined in GP-0-10-001.
- j. All maintenance, inspection, and repair agreements as outlined in §164-47.10 Section H
Comment #33: The stormwater percolation and deep hole testing (TP-01, TP-02 and TP-04) for this design were not performed in accordance with Appendix D of the NYS Stormwater Management Design Manual.
 - a. Percolation/Infiltration testing is required to be performed at a depth of 2 feet below the proposed SMP bottom. In addition, the testing is to be performed in a casing with 24 inches of water for a total time of 1 hour for each run (or until the casing empties).
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Comment #35: Provide calculations to demonstrate the required 100% pre-treatment volume is provided for the infiltration practices.
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Comment #43: Surveyor to certify that iron rods have been set at all property corners.
Comment #44: The declaration for the Agricultural Notes and Aquifer Protection Overlay notes must be added to the plans.
Comment #45: Payment of all fees.

Mr. Astorino: Our Secretary Connie just brought something up to my attention. The Special Use Permit application fee of \$2900.00 needs to be paid.

Mr. Showalter: I just have one comment. We covered in the Work Session regarding the width of the road. We were talking about no curbs and no catch basins. I have given it some thought afterwards. I am fine with no curbs and basins. However, I don't like to be the one to add costs to things. As I remember the road is at 30 feet in width.

Ross Winglovitz: Yes.

Mr. Showalter: How about if we increase the width of road just a little bit. Maybe you could do 3 to 5 feet on each side and paint a line in the middle of the road. Tractor trailers do tend to stay towards the center of the line. That would give everyone room if someone had to pull over and get around. They wouldn't then tend to pull off into the dirt so much. More width would give them more room on each side. Ben's issue with the Highway Department is that the sides of the roads tend to crack. That happens especially in March when it is kind of muddy. Maybe that could be looked at as far as extending the width of the road on each side. It might hold up a little better because the road would be a little wider.

Ross Winglovitz: We have it shown as a 30-foot wide road with 4-foot shoulders on each side. It is actually 38 feet from the edge of the traveled way.

Mr. Bollenbach: Ross, what material would be used for the shoulders?

Ross Winglovitz: It is Item #4. It is a stoned shoulder. It is similar to what you get on a County Highway.

Mr. Astorino: So you are almost talking about a 40-foot wide road.

Ross Winglovitz: Close.

Mr. Showalter: I understand. After time the dirt washes in which makes it soft. Ross, it is just a thought.

Mr. McConnell: Roger, I thought your comment at the Work Session was that with the 30-foot road, extending the pavement by another couple of feet would help it.

Mr. Showalter: That was what I was talking about.

Mr. McConnell: Regarding the shoulders, you have the width there. But the shoulder isn't going to be effective in addressing the concerns?

Ross Winglovitz: If you look at any State or County Highway, they have more traffic than what this would have.

Mr. Astorino: I think the biggest issue is to make sure the sub-base is put in properly.

There is continued discussion between the Planning Board and the applicant regarding what the width size of the road should be. Mr. Astorino had stated that if the road is made too wide then you would be getting into plowing problems. We are already plowing 38 feet of roadway. Mr. Showalter stated that if you are looking at it as an industrial park area, there would be a lot of heavy truck traffic. A more well built park does have a wider road.

Ross Winglovitz: A 38-foot wide roadway is quite a bit of a roadway. It's better than a 28-foot wide roadway.

Laura Barca: Comment # 12 talks about the truck turning movement.

Mr. Astorino: Ok. We discussed that at the Work Session. We will make sure the cul-de-sacs are put in that could handle the trucks. That is something you would review.

Laura Barca: Yes.

Ross Winglovitz: These other comments are technical. We will go through them with the professionals.

Mr. Astorino: Ok. Laura, are there any other comments?

Mr. Bollenbach: Would Ross like to give a little presentation?

Ross Winglovitz: Yes. This proposal is for the development of Lot 1 of the Mid-Orange Correctional Facility. This is a 48-acre parcel that is currently undeveloped with 2 existing structures at the entry of different properties. Looking at the map, this property in the rear was basically an old farm field. It has very limited woods. There are only small wooded areas Lots 7, 8, and 9. We propose to take this 48-acre parcel and divide it into 10 commercial lots. They would range in size approximately from 2.5 acres to a little over 6 acres. Access to the site would be from State School Road to about ½ mile east and south of the intersection of Kings Highway. There would be a new road constructed. The new road would be about 2,600 feet long with a cul-de-sac at the rear of the property. The site is serviced by water and sewer. The Correctional Facility had a significant water and sewer system that was installed and serviced the facility. We are proposing to extend the utilities both water and sewer into the site to service the 10 lots. Regarding water, there was a significant water capacity of 181,000 gallons per day available. The potential development of the other buildings would use no more than 72,000 gallons per day. Regarding the Sewer, this is already part of the Town's Sewer District listed as the Wickham Village area. The Sewer Plant is just south of the site. It is located on State School Road. That Plant has a sewer capacity of approximately 255,000 gallons per day. But, we are looking at approximately 72,000 gallons per day with the proposed development. Regarding the wetlands, there are no jurisdictional wetlands on the site. There is a small area of wetlands on the site that appear to be non-jurisdictional. Permits would not be required. There are several large State wetlands all off the site. We have walked the site with the DEC. The DEC has confirmed the wetland boundaries. Today, we just received a map from the DEC signing off on the wetland boundaries. Looking at the map, the wetland areas do not encroach into the site. There is a 100-foot adjacent area that does slightly encroach into a few of the lots. We propose that there would be no disturbance in that area. Therefore no permits are required from the State. The stormwater would be handled with 2 ponds. One pond would be a regional pond at the end of the cul-de-sac. This pond will recharge the ground water. It will handle the lots in the area of the cul-de-sac. There is a small pond at the front of the site. That will handle the water from the front for the road only. The lots in the area of the front road would actually flow away from the road. Ted had discussed the endangered species. We had a habitat assessment done on the site. They did not find any endangered species nor a potential habitat. There are some roost trees there. We are committed that we are not going to remove the potential roost trees during the summer months. They would only be removed during the winter months. Ted touched on the cultural resources briefly. They didn't find any on the property or adjacent to the property. That evaluation was completed in September. There were no significant impacts on the cultural resources. That sums it up. Each use is going to

come in with a plan to do their own lot in conformance with this plan and the SEQR documents. Then they would proceed with the Building Department for permits.

Mr. Astorino: Thank you. Do any Board members have any questions?

Mr. McConnell: Have you done a study on what the available electric capacity would be?

Ross Winglovitz: No. It normally wouldn't be done if it is in a service area of the utility that is being required by the law. It is the public service commission to provide the necessary capacity.

Mr. McConnell: That is understood. That might entail adding power, lines, or whatever. It would be nice to know whether that is something reasonably anticipated with the list of potential uses.

Mr. Astorino: I know that the prison used a considerable amount of electricity.

Mr. McConnell: They also had generated some of their own.

Mr. Astorino: Did they do that at the end?

Mr. McConnell: I don't know. Mr. Sweeton, do you have something to add to that?

Mr. Sweeton: They switched to O&R power back in the late 1970's.

Mr. Astorino: Ok.

Mr. McConnell: I didn't know whether the electrical usage of the prison for things like lights, etc... It would be sufficient for what we are talking about here which is potential manufacturing.

Ross Winglovitz: We won't know that until we have that specific manufacturing use come along.

Mr. Astorino: There are facilities out there. I think there is a sub-station out there.

Mr. Showalter: There is a sub-station out there.

Mr. McConnell: Where is that?

Mr. Sweeton: It is out on Chancellor Lane.

Mr. McConnell: Ok. It would be nice to have that information.

Mr. Astorino: I agree.

Mr. Showalter: Dennis, that sub-station was recently refurbished by O&R. They had done some work out there. They have upgraded. They have done it in Chester. O&R says there should be less interruptions, flickering, and black outs.

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

Dr. Bruce Wittels: I live on Bellvale Lakes Road. I adjoin the prison property. I have a question on the use for the sewage system. You said you only considered an X amount of volume. There are going to be other uses going on for that sewage system. There is already an X amount of condominiums, etc...that are already existing in use on that. How much of the capacity was used when the prison was there compared to what the maximum amount is?

Ross Winglovitz: When the plant was built for the prison and to replace the Wickham Village sewage treatment plant.

Dr. Bruce Wittels: Ok.

Ross Winglovitz: It was built for 430,000 gallons per day. Currently it is using 165,000 gallons per day. That includes all of the usage with Kings Estates, Wickham Village, Wickham Knolls, and the new development by the airport. There is 265,000 gallons available to service the entire prison property. We are estimating approximately 70,000 gallons per day in the development of this project.

Dr. Bruce Wittels: Right. I understand that. There is a much bigger section there that might be developed.

Mr. Astorino: That would be looked at during that time. The thresholds are what they are. You can't go over a certain capacity with the sewer plant. They would either have to upgrade the sewer plant or they wouldn't get an approval. If the sewer plant can't handle the capacity, they would have to upgrade it or that would be the end of it.

Ross Winglovitz: That 72,000 gallons per day number includes the redevelopment of the existing structures.

Dr Bruce Wittels: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the WVLDC application? Let the record show no further public comment. Ross, where are you with dates as far as the traffic study?

Ross Winglovitz: The traffic count was completed last week. We had talked about that at some point in this process during the development of this property a left turn might be necessary. We haven't completed the study yet. We are looking at the preliminary numbers.

Mr. Astorino: What you are saying is if Lots 1, 2, and 3 could be potentially sold to a user, that might trigger the rest of them like Lots 4 and 5 for the turning lane. It might go up to Lot 8. It depends what goes in.

Ross Winglovitz: Right. Knowing that we would have to be doing that some point during the redevelopment of the prison, we are planning for that now. We are looking at a District or mitigation fee under SEQR for that potential improvement. Just like what they had done on Route 94 by Shop Rite.

Mr. Bollenbach: Right.

Mr. Astorino: We will know that once we get the traffic study. We could adjourn this public hearing to our next meeting, 11/6/13 if you feel you would have everything in by then.

Ross Winglovitz: Yes. That would be good. We expect to have the traffic study in by next week.

Mr. McConnell makes a motion to adjourn the WVLDC public hearing to November 6, 2013.

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

Ross Winglovitz: Thank you.

Review of Submitted Maps:***American Tower (212 Tower Lane)***

Application for Site Plan Approval and Special Use Permit for the **“Renewal”** of the Special Use Permit for the continued use of an existing wireless telecommunications facility and related equipment, situated on tax parcel S 64 B 1 L 44; project located on the eastern side of Brady Road 1500± feet southeast of Bowen Road atop Tower Lane (212 Tower Lane), in the CO zone, of the Town of Warwick Previously discussed at the 6/20/12 Planning Board Meeting.

Representing the applicant: Neil Alexander from Cuddy & Feder, LLP.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 10/09/13 no comments
4. Architectural Review Board comments: pending
5. Wireless Telecommunication Facility Board comments: pending
6. OCPD: 06/22/12 no advisory comments
7. The Short EAF #10 asks if other governmental agency permits, approvals, funding, etc.; Applicant to clarify. Please provide responses from FAA and FCC.
8. The Applicant shall submit the current deed for the property stating that American Tower is the owner. (Pending Planning Board Attorney review.)
9. §164-79.A.(1)(a) The Planning Board must determine if additional landscaping should be installed.
10. A Radio Frequency (RF) emission report shall be submitted showing compliance with FCC standards. Full outputs from the RoofView software should be submitted.
11. The Noise Study/Report must be preparing in accordance with Warwick Town Code §164-79.B(4).
12. Structural Report, Page 1, Introduction, last sentence: Applicant to summarize reasons for modifications of existing tower and their intent.
13. Structural Report, Page 1, Antenna Loads: Applicant to clarify which are the new loads in the list.
14. Structural Report, Page 3, Results: HDR concurs that 103% stress is acceptable for tower members; however Applicant to provide allowable capabilities of the foundations and anchors so we can comment on whether the analysis results are acceptable.
15. Structural Report, Page 3, Results: Anchors do not directly resist shear, so the foundation components being reference needs to be clarified.
16. Structural Report, Computer Output: Applicant to provide an overall sketch of the existing/modified tower (different from the computer model already provided).
17. Structural Report, Computer Output: The analysis printout shows the “103%” results in red; Applicant to clarify what the blue line data represents.
18. All drainage features, including culverts at the site and along the driveway shall be located and shown on the site plan (Sheet C-1).
19. The maintenance of the driveway is likely a shared driveway agreement with the WTF at tax parcel 64-1-44. The current condition of the driveway is not in a condition that would allow emergency service vehicles access to these WTFs. Provide copies of any current extension of existing maintenance agreement.

20. Private Road Notes should be shown on the plans.
21. Provide a note on that plan that states "Provide annual maintenance contract to the Building Department to keep Tower Lane free of ruts, washouts, and pot holes in excess of 4-in. deep and to regularly clear ice, snow, and debris."
22. Provide a current Emergency Medical Service (EMS), including contact information, key locations, etc.
23. The declaration information for the Ridgeline Overlay notes, Private Road notes and maintenance agreement, and the deed to the property must be added to the plan.
24. Payment of all fees.
25. In accordance with §164-86.C, the Special Use Permit is valid for 5 years. At that time, the Special Use Permit must either be renewed before the Planning Board or the tower removed.
26. The tower owner, holder of the Special Use Permit, shall submit evidence of compliance with the FCC standards, including Radio Frequency Radiation (RFR), on a yearly basis to the Planning Board (§164-78.D).
27. The tower owner, holder of the Special Use Permit, shall be structurally inspect the tower annually; this report shall be certified by a Professional Engineer (§164-83.B).
28. After Planning Board Approval of a Special Use Permit, (which is valid for 5 years) notification must be given to the Building Department that the Special Use had been renewed.

The following comment submitted by the Conservation Board, dated 10/16/13:

American Tower (212 Tower Lane) – The CB has no comments on this application.

The following comment submitted by the ARB:

American Tower (212 Tower Lane) – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This is a Type 2 Action under SEQR. No other SEQR review is necessary.

Comment #2: Applicant to discuss project.

Neil Alexander: I think it is pretty basic on what we are doing.

Comment #3: Conservation Board comments: 10/09/13 no comments

Comment #4: Architectural Review Board comments: pending

Comment #5: Wireless Telecommunication Facility Board comments: pending

Comment #6: OCPD: 06/22/12 no advisory comments

Comment #7: The Short EAF #10 asks if other governmental agency permits, approvals, funding, etc.; Applicant to clarify. Please provide responses from FAA and FCC.

Neil Alexander: It is a Type 2 Action. We are exempt from that.

Mr. Astorino: Ted, it doesn't qualify for that. Is that correct?

Mr. Fink: Yes.

Mr. Astorino: We could strike Comment #7.

Comment #8: The Applicant shall submit the current deed for the property stating that American Tower is the owner. (Pending Planning Board Attorney review.)

Mr. Astorino: Do you have the deed?

Mr. Bollenbach: I will review it as soon as I see it.

Mr. Astorino: Do you not have it yet?

Mr. Bollenbach: I haven't seen it in the file.

Laura Barca: I have it. John, I will give it to you tomorrow.

Mr. Astorino: Ok.

Comment #9: §164-79.A.(1)(a) The Planning Board must determine if additional landscaping should be installed.

Mr. Bollenbach: I do not believe it is visible.

Mr. Astorino: It is not visible from anywhere.

Ms. Little: Is the new equipment going into the existing box?

Neil Alexander: Correct.

Mr. Astorino: We could strike Comment #9.

Comment #10: A Radio Frequency (RF) emission report shall be submitted showing compliance with FCC standards. Full outputs from the RoofView software should be submitted.

Neil Alexander: We will be getting you a revised one with Vigilant.

Mr. Astorino: Ok. That is basically the same with Comments 11 through 17. We will keep those comments for the record.

Comment #11: The Noise Study/Report must be preparing in accordance with Warwick Town Code §164-79.B(4).

Comment #12: Structural Report, Page 1, Introduction, last sentence: Applicant to summarize reasons for modifications of existing tower and their intent.

Comment #13: Structural Report, Page 1, Antenna Loads: Applicant to clarify which are the new loads in the list.

Comment #14: Structural Report, Page 3, Results: HDR concurs that 103% stress is acceptable for tower members; however Applicant to provide allowable capabilities of the foundations and anchors so we can comment on whether the analysis results are acceptable.

Comment #15: Structural Report, Page 3, Results: Anchors do not directly resist shear, so the foundation components being reference needs to be clarified.

Comment #16: Structural Report, Computer Output: Applicant to provide an overall sketch of the existing/modified tower (different from the computer model already provided).

Comment #17: Structural Report, Computer Output: The analysis printout shows the "103%" results in red; Applicant to clarify what the blue line data represents.

Comment #18: All drainage features, including culverts at the site and along the driveway shall be located and shown on the site plan (Sheet C-1).

Neil Alexander: Yes.

Comment #19: The maintenance of the driveway is likely a shared driveway agreement with the WTF at tax parcel 64-1-44. The current condition of the driveway is not in a condition that would allow emergency service vehicles access to these WTFs. Provide copies of any current extension of existing maintenance agreement.

Mr. Astorino: We talked about this at the Work Session.

Mr. Bollenbach: We could strike Comment #19. That is being replaced by Comment #21.

Comment #20: Private Road Notes should be shown on the plans.

Mr. Astorino: You will need to put that note on the plans.

Comment #21: Provide a note on that plan that states "Provide annual maintenance contract to the Building Department to keep Tower Lane free of ruts, washouts, and pot holes in excess of 4-in. deep and to regularly clear ice, snow, and debris."

Neil Alexander: Laura and I received an email on this at the same time. They basically have no problems with the standard that is being set. It is the contract with the Building Department that they have a problem with. They are going to post a Performance Bond in lieu of having a contract with the Building Department.

Mr. Astorino: No. You are misunderstanding the comment. The Building Department is not going to go out there and do the work.

Neil Alexander: Ok.

Mr. Astorino: It's a contract from a private vendor that goes to the Building Department.

Neil Alexander: Ok. No problem.

Mr. McConnell: What the comment says is to provide annual maintenance contract to the Building Department.

Neil Alexander: Right. Sorry, I misunderstood.

Comment #22: Provide a current Emergency Medical Service (EMS), including contact information, key locations, etc.

Neil Alexander: That should be up there existing right now. There should be an Emergency Service sign.

Mr. Bollenbach: Provide us with a letter. There is a letter format. It is a letter stating the EMS plan. This way we could stick that in the file.

Neil Alexander: Do you want a copy of the sign.

Mr. Bollenbach: Just put it in a letter format. We need a letter. I will send you a sample of the letter.

Neil Alexander: Ok.

Comment #23: The declaration information for the Ridgeline Overlay notes, Private Road notes and maintenance agreement, and the deed to the property must be added to the plan.

Mr. Bollenbach: I'm just wondering if the Ridgeline is already on there. I don't know. Let us just leave the Ridgeline on there. Private Road is not on there. Regarding the deed, just the Ridgeline Overlay notes must be added to the plan.

Mr. Astorino: No maintenance agreement. Is that separate?

Mr. Bollenbach: No. There is no maintenance agreement. It is an annual contract that is going to be provided.

Mr. McConnell: Private Road notes is referenced in Comment #20. It is repetitious.

Comment #24: Payment of all fees.

Neil Alexander: Yes.

Comment #25: In accordance with §164-86.C, the Special Use Permit is valid for 5 years. At that time, the Special Use Permit must either be renewed before the Planning Board or the tower removed.

Neil Alexander: Yes.

Comment #26: The tower owner, holder of the Special Use Permit, shall submit evidence of compliance with the FCC standards, including Radio Frequency Radiation (RFR), on a yearly basis to the Planning Board (§164-78.D).

Neil Alexander: Yes.

Mr. Astorino: Does that go to the Planning Board?

Mr. Bollenbach: It goes to the Building Department.

Mr. Astorino: Ok.

Neil Alexander: Ok.

Comment #27: The tower owner, holder of the Special Use Permit, shall be structurally inspect the tower annually; this report shall be certified by a Professional Engineer (§164-83.B).

Mr. Astorino: That would go to the Building Department.

Neil Alexander: Yes.

Comment #28: After Planning Board Approval of a Special Use Permit, (which is valid for 5 years) notification must be given to the Building Department that the Special Use had been renewed.

Mr. Astorino: Ok. With that being said, do you wish to be set for a public hearing?

Neil Alexander: Yes.

Mr. McConnell makes a motion to set the American Tower application for a public hearing at the next available agenda.

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

Neil Alexander: Thank you.

Vigilant Global (212 Tower Lane)

Application for Site Plan Approval for the construction and use of the addition of two 77.5” microwave antenna dishes on the existing wireless telecommunications facility along with additional support equipment to be located within the existing lease parcel (American Tower), situated on tax parcel S 64 B 1 L 44; project located on the eastern side of Brady Road 1500± feet southeast of Bowen Road atop Tower Lane (212 Tower Lane), in the CO zone, of the Town of Warwick.

Representing the applicant: Neil Alexander from Cuddy & Feder, LLP.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 10/06/13 no comments
4. Architectural Review Board comments: pending
5. Wireless Telecommunication Facility Board comments: pending
6. OCPD: pending submittal
7. This Application is based on American Tower submitting a complete application and receiving final approval with plans signed by the Planning Board Chairman.
8. The existing vicinity map on Sheet T-1 is not legible. Frequently, tax maps are used and are legible when reproduced.
9. On Sheet T-1, the Special Notes section refers to existing conditions that will be checked; Applicant to clarify when this site inspection will take place.
10. The signing Professional Engineer (who is a licensed Engineer in the State of New York) is called out as a Licensed Architect; this should be corrected.
11. There are additional farms that need to be added to the Ag Data Statement (64-1-56.2 (Brady), 69-1-4 (McFarland).
12. The Applicant must submit a Short EAF.
13. The Applicant must submit a deed for the property, even if he is not the owner.
14. The Narrative Overview (included in the Application Package) references an access to One Pine Mountain Road; Applicant to clarify if this should be Brady Road.
15. The Narrative should include additional information: what is the purpose of the antennae, where is the nearest Vigilant facility, applicant to clarify Vigilant data users.
16. Applicant to provide photographs of proposed antennas.
17. Applicant to provide Specification Sheet(s) of the proposed antennas, including size, weight, dimensions, power needs, transmit/receive frequencies and power, antenna gain, etc.
18. The correct tax id number shall be shown on all sheets in the title block under the site address: 64-1-44.
19. Sheet T-1 under Project Data, the correct tax id number should be referenced: 64-1-44.
20. §164-79.A.(1)(a) The Planning Board must determine if additional landscaping should be installed.
21. §164-79.A.(1) and (4) The color of the towers, cabinets, and associated accessory structures are required to be non-reflective; the Applicant should confirm the colors of these items (on Sheet C-1).
22. §164-79.A.(2) All lighting, including existing, must be in compliance with §164-43.4, where are lighting features are shielded/facing downward; Applicant to add note.

23. §164-79.A.(3)(a) All signage, including existing, must be in compliance with §164-43.1; Applicant to add note.
24. §164-79.A.(3)(b) Applicant to confirm if Danger-High Voltage signs are required/posted.
25. §164-80.B.(1). This special use application requires proof that the Applicant is a licensed carrier.
26. Sheets C-2, A-1, and A-2 contain a note that states that the structural analysis by American Tower, dated 02/13/13, should supersede these drawings. Applicant to clarify what information will be given to the contractor to install these new antennas.
27. Sheet C-3 is not legible.
28. A Radio Frequency (RF) emission report shall be submitted showing compliance with FCC standards.
29. A structural analysis signed/sealed by a New York State Professional Engineer for each structure and each foundation at this property must be submitted. Calculations, foundations: Source of allowable capabilities are not provided or referenced.
30. Structural analysis, Page 1, Introduction: explain the “change by loading by...”
31. Structural analysis, Page 1 Supporting Documentation: no available for review at this time.
32. Structural analysis, Page 3, Foundations: allowable capacities are not provided.
33. Structural analysis, Page 3: Anchors do not directly resist shear, so the foundation component being referenced needs to be clarified.
34. The declaration information for the Ridgeline Overlay notes, Private Road notes and maintenance agreement, and the deed to the property must be added to the plan.
35. Payment of all fees.
36. Prior to issuance of a Building Department Permit, all special use permit conditions shall be satisfied and Tower Lane shall be repaired to the Planning Board Engineer Specifications.

The following comment submitted by the Conservation Board, dated 10/16/13:

Vigilant Global (212 Tower Lane) – The CB has no comment on this application.

The following comment submitted by the ARB:

Vigilant Global (212 Tower Lane) – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The applicant has submitted a short EAF. It is a Type 2 Action. I prepared a draft Resolution for the Planning Board’s consideration.

Mr. Kennedy makes a motion for the Type 2 Action.

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

617.6

State Environmental Quality Review (SEQR)

Resolution

Type 2 Action

Name of Action: Vigilant Global Microwave Dish Antenna Installation

Whereas, the Town of Warwick Planning Board is in receipt of a Site Plan application by Michael Bieniek, AICP for Vigilant Global for a ± 11.27 acre parcel of land located at 212 Tower Lane, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated August 28, 2013 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)(1 and 2) and, therefore, SEQR does not apply, and

Whereas, the Planning Board has determined that the proposed project is not within 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.

Neil Alexander: You are familiar with this site. We are proposing to put two 77.5” microwave antenna dishes on the existing wireless telecommunication facility along with additional support equipment to be located within the existing lease parcel (American Tower). This would be done at the 187-foot level. There is no out grade element to this. There would be no activity done outside the fenced in compound.

Comment #3: Conservation Board comments: 10/06/13 no comments

Comment #4: Architectural Review Board comments: pending

Comment #5: Wireless Telecommunication Facility Board comments: pending

Comment #6: OCPD: pending submittal

Comment #7: This Application is based on American Tower submitting a complete application and receiving final approval with plans signed by the Planning Board Chairman.

Mr. Astorino: We talked about that at the work Session. That is why we are doing it together.

Comment #8: The existing vicinity map on Sheet T-1 is not legible. Frequently, tax maps are used and are legible when reproduced.

Neil Alexander: Ok.

Comment #9: On Sheet T-1, the Special Notes section refers to existing conditions that will be checked; Applicant to clarify when this site inspection will take place.

Neil Alexander: I would have to get back to the client on that. As far as the scope of work, I am not sure why they would need a site inspection other than for the tower its self. If there is something in this list that you need to have done, we would be gladly to do it.

Comment #10: The signing Professional Engineer (who is a licensed Engineer in the State of New York) is called out as a Licensed Architect; this should be corrected.

Neil Alexander: Ok. We will get that cleaned up. Laura, we will get Vigilant to work with you on that directly.

Laura Barca: Ok.

Comment #11: There are additional farms that need to be added to the Ag Data Statement (64-1-56.2 (Brady), 69-1-4 (McFarland)).

Mr. Astorino: You will need to add them.

Comment #12: The Applicant must submit a Short EAF.

Neil Alexander: Ok.

Comment #13: The Applicant must submit a deed for the property, even if he is not the owner.

Neil Alexander: Yes.

Comment #14: The Narrative Overview (included in the Application Package) references an access to One Pine Mountain Road; Applicant to clarify if this should be Brady Road.

Neil Alexander: It should be. We will correct that.

Comment #15: The Narrative should include additional information: what is the purpose of the antennae, where is the nearest Vigilant facility, applicant to clarify Vigilant data users.

Mr. Astorino: That should be coming from them.

Neil Alexander: Yes.

Comment #16: Applicant to provide photographs of proposed antennas.

Neil Alexander: I believe that you were given spec cut sheets.

Laura Barca: Yes. We do have them.

Mr. Astorino: Would that satisfy that?

Laura Barca: I don't know yet.

Mr. Astorino: We will leave that comment on there.

Neil Alexander: I understand that. It is a standard industry spec sheet.

Mr. Astorino: That will take care of Comment#17.

Laura Barca: That should be fine. I just need to take a look at it.

Comment #17: Applicant to provide Specification Sheet(s) of the proposed antennas, including size, weight, dimensions, power needs, transmit/receive frequencies and power, antenna gain, etc.

Mr. Astorino: That should be in there.

Comment #18: The correct tax id number shall be shown on all sheets in the title block under the site address: 64-1-44.

Neil Alexander: Yes.

Comment #19: Sheet T-1 under Project Data, the correct tax id number should be referenced: 64-1-44.

Neil Alexander: Yes.

Comment #20: §164-79.A.(1)(a) The Planning Board must determine if additional landscaping should be installed.

Mr. Astorino: We could strike Comment #20. They are not adding anything. Laura, regarding the rest of these comments, please go over it with them. It is about the cabinet. They are not adding anything. It is just what is up there.

Mr. Bollenbach: You will need to just verify that. It's required to be non-reflective and earth tone colors.

Mr. Astorino: Right. Don't forget American Tower is before us to. That is all in there. It will be done.

Mr. Showalter: It's the same thing.

Mr. Astorino: Yes. We will list Comments 21 through 33 for the record.

Comment #21: §164-79.A.(1) and (4) The color of the towers, cabinets, and associated accessory structures are required to be non-reflective; the Applicant should confirm the colors of these items (on Sheet C-1).

Comment #22: §164-79.A.(2) All lighting, including existing, must be in compliance with §164-43.4, where are lighting features are shielded/facing downward; Applicant to add note.

Comment #23: §164-79.A.(3)(a) All signage, including existing, must be in compliance with §164-43.1; Applicant to add note.

Comment #24: §164-79.A.(3)(b) Applicant to confirm if Danger-High Voltage signs are required/posted.

Comment #25: §164-80.B.(1). This special use application requires proof that the Applicant is a licensed carrier.

Comment #26: Sheets C-2, A-1, and A-2 contain a note that states that the structural analysis by American Tower, dated 02/13/13, should supersede these drawings.

Applicant to clarify what information will be given to the contractor to install these new antennas.

Comment #27: Sheet C-3 is not legible.

Comment #28: A Radio Frequency (RF) emission report shall be submitted showing compliance with FCC standards.

Comment #29: A structural analysis signed/sealed by a New York State Professional Engineer for each structure and each foundation at this property must be submitted.

Calculations, foundations: Source of allowable capabilities are not provided or referenced.

Comment #30: Structural analysis, Page 1, Introduction: explain the “change by loading by...”

Comment #31: Structural analysis, Page 1 Supporting Documentation: no available for review at this time.

Comment #32: Structural analysis, Page 3, Foundations: allowable capacities are not provided.

Comment #33: Structural analysis, Page 3: Anchors do not directly resist shear, so the foundation component being referenced needs to be clarified.

Comment #34: The declaration information for the Ridgeline Overlay notes, Private Road notes and maintenance agreement, and the deed to the property must be added to the plan.

Mr. Astorino: John, will you take a look at that?

Mr. Bollenbach: Yes.

Comment #35: Payment of all fees.

Neil Alexander: Yes.

Comment #36: Prior to issuance of a Building Department Permit, all special use permit conditions shall be satisfied and Tower Lane shall be repaired to the Planning Board Engineer Specifications.

Mr. Astorino: That is the end of that. Many of these are redundant because it is the same tower. We will need to set Vigilant Global for a public hearing.

Mr. Ruszkiewicz makes a motion to set the Vigilant Global application for a public hearing at the next available agenda.

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

Neil Alexander: Thank you.

Gregory Panopoulos

Application for Sketch Plat Review and Final Approval of a proposed lot line change, situated on tax parcels S 27 B 1 L 30.221 and L 30.3; parcels located on the northern side of Edenville Road 650± feet east of C.R. # 1/Pine Island Turnpike, in the RU zone, of the Town of Warwick. ***Original Conditional Final Approval was granted on, January 18, 2006.***

Representing the applicant: None

Mr. Astorino: Laura just received a text from Dave Getz the applicant's engineer. There was some confusion. To make a long story short, this applicant will have to go to the ZBA. We had discussed this at the Work Session. This was an application that was approved by the Planning Board 7 or 8 years ago. They just never followed up on their approval. I would give a positive recommendation to the ZBA. Nothing has changed. We should send them to the ZBA with a positive recommendation. After the ZBA, they would then come back to us. Does anybody have any questions on that?

Connie Sardo: Dave Getz did not come to the meeting tonight because they thought they had to go directly to the ZBA first. Is that correct?

Mr. Astorino: Right.

Mr. Bollenbach: We will send them to the ZBA with a favorable recommendation. We could also set them for a public hearing at the next available agenda.

Mr. Astorino: Right. So when they come back to us, they would have everything in place. We will need a motion to set them for a public hearing at the next available agenda.

Mr. McConnell makes a motion to set the Gregory Panopoulos application for a Final public hearing at the next available agenda.

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

Other Considerations:

1. Planning Board Minutes of 9/18/13 for PB Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 9/18/13.

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

2. **Round Hill Subdivision** – Letter from Steven Spiegel, Attorney addressed to the Planning Board, dated 10/2/13 in regards to the Round Hill Subdivision – requesting “**7th 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 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. *The Applicant has stated that the extension is needed because of the condition for final approval requiring construction of roads and significant infrastructure, which real estate market and financial conditions do not permit at this time.* The 7th Re-Approval of Final Approval becomes effective on 10/18/13, subject to the conditions of Final Approval granted on 10/18/06.

Mr. Kennedy makes a motion on the Round Hill Subdivision, granting **7th 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 7th Re-Approval of Final Approval becomes effective on, 10/18/13, subject to the conditions of Final Approval granted on, 10/18/06.

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

3. **Wheeler Road Subdivision** – Letter from Anthony Trochiano, Pietrzak & Pfau Engineering addressed to the Planning Board dated 10/3/13 in regards to the Wheeler Road Subdivision – requesting a 16th 6-Month Extension on Preliminary Approval of a proposed 31-Lot Cluster subdivision + 3-Affordable Homes, situated on tax parcel SBL #8-2-44.223; parcels located along the northerly side of Wheeler Road (C.R. 41) at the intersection with Dussenbury Drive, in the SL zone, of the Town of Warwick. Preliminary Approval was granted on 11/2/05. *The Applicant has stated that they are working to resolve the outstanding SEQOR items. They anticipate to resubmit in the near future.* The 16th 6-Month Extension becomes effective on 11/2/13.

Connie Sardo: That is true.

Mr. Astorino: It is what it is. The Town Board will have to make their decision by the end of the year on what they are going to do with these extensions.

Mr. McConnell: The first of these extensions was in May 2006.

Mr. Astorino: It was approved in November 2005.

Connie Sardo: It is because of the economy.

Mr. Astorino: Right.

Mr. Ruskiewicz makes a motion on the Wheeler Road Subdivision, granting granted a 16th 6-Month Extension on Preliminary Approval of a proposed 32-Lot cluster subdivision, SBL # 8-2-44.223. Preliminary Approval was granted on, 11/2/05.

The 16th 6-Month Extension becomes effective on, 11/2/13.

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

4. **Luft Subdivision** – Letter from Kirk Rother, P.E., addressed to the Planning Board, dated 9/20/13 in regards to the Luft Subdivision – requesting a 6-Month Extension on 5th Re-Approval of Final Approval of a proposed 22-Lot Cluster subdivision + 2-Affordable Homes and Special use Permit for the affordable homes, situated on tax parcel SBL 26-1-6.5; parcel located on the northern side of Newport Bridge Road and at the Intersection with Blooms Corners Road, in the RU zone, of the Town of Warwick. *The Applicant has stated that they anticipate OCHD approval for the Sectionalized Plan in the near future after which they would proceed with the finalizing of Section I.* The 6-Month Extension on 5th Re-Approval of Final Approval becomes effective on 10/16/13.

Mr. Kennedy makes a motion on the Luft Subdivision, granting a 6-Month Extension on the 5th Re-Approval of Final Approval of a proposed 22-Lot cluster subdivision + 2-Affordable Homes subdivision and Special Use Permit for the Affordable Homes, SBL # 26-1-6.5. Conditional Final Approval was granted on, 4/16/08.

The 6-Month Extension on the 5th Re-Approval of Final Approval becomes effective on 10/16/13.

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

Mr. Astorino: They have been awhile on this sectionalizing plan.

Connie Sardo: They have been working on it with the OCHD.

Mr. Astorino: OCHD is taking that long. That seems like they are taking too long.

Mr. McConnell: This seems to be the 6th Re-Approval not the 5th Re-Approval.

Connie Sardo: It is the 6-Month Extension on the 5th Re-Approval. Kirk filled that out. Don't even go by that. I keep tract of these on my computer.

5. **Warwick Isle Sectionalizing Plan** - Letter from Kirk Rother, P.E., addressed to the Planning Board, dated 9/12/13 in regards to the Warwick Isle Subdivision – requesting a 6-Month Extension on 2nd Re-Approval of Final Approval for filing Section I to consist of 7-Lot Cluster subdivision including a Special Use Permit for the one Affordable Home, Lot #5, situated on tax parcel SBL #3-1-6.21; parcel located on the northern side of Merritts Island Road at the intersection with C.R. 1, in the SL zone, of the Town of Warwick. Conditional Final Approval was granted on 4/6/11. *The Applicant has stated that they anticipate OCHD approval of the Sectionalized Plan in the near future after which they will proceed the finalizing of Section I.* The 6-Month Extension on 2nd Re-Approval of Final Approval becomes effective on 10/6/13.

Mr. McConnell makes a motion on the Warwick Isle Sectionalizing Plan, granting a 6-Month Extension on the 2nd Re-Approval of Final Approval for Section 1 to consist of 7-Lot Cluster Subdivision including a Special Use Permit for the 1-Affordable Home, Lot #5, situated on tax parcel SBL # 3-1-6.21; parcel located on the northern side of Merritts Island Road at the intersection with C.R. 1, in the SL zone. Approval for filing in Sections and Conditional Final Approval for Section I was granted on, 4/6/11.

The 6-Month Extension on the 2nd Re-Approval of Final Approval for Section I becomes effective on, 10/6/13.

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

Laura Barca: During the public hearing, the Planning Board stated that they would go out and do a site inspection because of one of the neighbors.

Mr. Astorino: Yes.

Laura Barca: That has not happened yet.

Mr. Astorino: We did set it a couple of times. We just never got out there. Laura, maybe you could set that up for a Tuesday or Thursday. Paul, I know you want to be notified of when that happens.

Mr. Ruszkiewicz: Yes.

Laura Barca: Ok.

Correspondences:

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

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

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

Mr. McConnell makes a motion to adjourn the October 16, 2013 Planning Board meeting.

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