

## TOWN OF WARWICK PLANNING BOARD

November 6, 2013

Members present: Chairman, Benjamin Astorino  
Roger Showalter, Vice-Chairman  
Dennis McConnell, Beau Kennedy,  
Paul Ruskiewicz, 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, November 6, 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.

Mr. Astorino: Before we start our meeting tonight, the Planning Board and I would like to congratulate our Planning Board Member, Paul Ruskiewicz on his victory last night for being elected as Orange County Legislature for District 3. Congratulations Paul. We know you will do a great job.

Mr. Ruskiewicz: Thank you.

### **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. Continued Preliminary Public Hearing from the 10/16/13 Planning Board Meeting.

Representing the applicant: Jane Samuelson and Keith Woodruff from Engineering Properties.

The following review comment 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: 08/19/13: incremental development, traffic, steep slopes, development of Ag soils
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 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.
11. The storm water plan and any applicable soil testing shall be completed in accordance with the specifications of the Planning Board Engineer.
12. 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."
13. The drawings shall be revised in accordance with the comments received from the Town's professionals.
14. The Expanded EAF, including appendices, shall be revised in accordance with the comments received from the Town's professionals.
15. Applicant to provide Jurisdictional Determination Letter from NYSDEC regarding wetlands.
16. Water Main Extension Report pending Orange County Department of Health review.
17. Sewer Main Extension Report pending New York State Department of Environmental Conservation review.
18. 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."
19. Surveyor to certify that iron rods have been set at all property corners.
20. Payment of all bonds (landscaping, performance, construction trailer removal bond, and construction inspection fees for landscaping and performance).
21. The declaration for the Agricultural Notes and Aquifer Protection Overlay notes must be added to the plans.
22. Payment of all fees.

The following comment submitted by the Conservation Board:

WVLDC Lot #1 Subdivision – None submitted.

The following comment submitted by the ARB:

WVLDC Lot # 1 Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This project is a Type 1 Action. There are other agencies involved which are the NYSDEC and OCHD. The Planning Board has declared itself Lead Agency. The Planning Board has been reviewing this application using the extended EAF. It is an unusual Negative Declaration in a couple of respects. There were a number of related actions that had already taken place. There are other related actions that have yet to taken place on this site. It is a complex site with a lot of different players involved. It was owned, originally by the State of New York. It was zoned Residential even though it was a prison facility. The first action was that the Town Board rezoned it for Office Industrial development, called the OI zone. A SEQR review was conducted for that. Then there was another SEQR review for the transfer from the State over to the Warwick Valley Local Development Corporation as well as to the Town. A SEQR review was conducted on that. There were other SEQR reviews that the State had required that the parcels be

reconfigured in a certain way before they would be transferred to the Town and the WVLDC. There were other actions that were taken by the Planning Board. We had conducted prior SEQR reviews on this application. There is still one more action that is to be taken. That is a Town Board action to expand the Wickham Water District to include the prison site. I believe that is on the Town Board's agenda for tomorrow night. They would take SEQR action on that. Then they would be in the position to carry out all of the other tasks necessary to expand this. The other thing that makes this somewhat unique is to create a property that is called "shovel ready" for development. We worked through a number of different thresholds governing a variety of both SEQR as well as zoning issues. What we have done in the SEQR Negative Declaration is to establish thresholds. Those thresholds are based upon the prior use of the prison, which at one time housed about 3800 inmates and about 400 employees. There was a tremendous amount of traffic associated with that. There was water and sewer usage, etc... What we had done was craft a threshold so that any of the future developments that come in for the proposed 10 lots would not exceed that. If it does exceed, then they would have to come back before the Planning Board for Amended Site Plan Approval and additional SEQR analysis. All of the thresholds within the Negative Declaration are designed to cover that purpose, in order to get the "shovel ready" status, an actual term that Empire State Development Department uses. Being shovel ready means the State would then help out with marketing and so forth. They want to make sure that certain basic studies are done. Each of those studies have been done for the extended EAF that consists of cultural resource study and an Archeological Analysis that was done by Tracker. There was nothing found out there for either prehistoric or historic resources. There was a Bio-Diversity study that was done. That study looked at endangered and threatened species. There was nothing found at the site. They had done that in conformance with the Town's Zoning Law Bio-Diversity assessment methods. There was a Traffic Study conducted by John Collins. There are thresholds that pertain to traffic. There was an analysis of agriculture. There are productive agriculture soils in the proposed area of the subdivision. That is probably one of the only areas on the site that has good soils. Most of the rest of the site has wetlands or is encumbered with wetland protected areas adjacent to the wetland. What we had done for the agriculture we sought the input of the Orange County Soil and Water Conservation District to see if they had any concerns about any impacts on agriculture. Orange County soil got back to us. They said that they do not have any concerns. That was based on the analysis that we had done. The final issue was or not there were any on the site. There are no wetlands on the site that are regulated wetlands. There are protected 100-foot adjacent areas for State protected wetlands. There are very small portions of which exist on a couple of the lots. It's largely all within the building envelopes. There wouldn't be any building activity in that protected area. Nevertheless, we have established a threshold that if they do need a State wetland permit it could be done. The whole SEQR has been designed that no further analysis would need to be done provided that any proposed businesses that move in there fit within all of the thresholds that we have established. That is basically in a nutshell what we have.

Mr. Astorino: Thank you.

Comment #2: Applicant to discuss project.

Mr. Astorino: Do you have anything further you want to add?

Jane Samuelson: No. Ted has covered it all.

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: 08/19/13: incremental development, traffic, steep slopes, development of Ag soils

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

Mr. Astorino: Do any Board members have any comments or issues? I don't see any issues with that. That waiver could be done before final approval.

Comment #7: Applicant to provide deed of property.

Mr. Astorino: That will be pending upon the sale.

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

Jane Samuelson: Yes.

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.

Jane Samuelson: Right. We will put the tables that Ted has on the plans.

Mr. Astorino: Yes. We had seen that at the Work Session. Is everyone ok and clear on that?

Mr. McConnell: Could we add a note somewhere that says each of those values stand by itself for a particular lot? I brought this up at the Work Session. At one point there was some discussion about whether if a lot was interesting to a particular buyer but they were going to use more water that they could borrow water from the next lot or the next lot over. It seemed like at the Work Session it was clarified that was no longer even being considered.

Jane Samuelson: Right. If you look at this table, we have it provided for each lot the number of gallons per day of water consumption.

Mr. McConnell: That was the table that was presented at the Work Session.

Mr. Astorino: In my opinion, if a perspective Tenant or Buyer comes in and buys Lot 1 with an X number of gallons and they would need more, I would guess the WVLDC would be in control of that whether they would want to grant it from another lot.

Mr. Bollenbach: No. If it triggers a threshold, it would go to the Town Board. They would make a deal with the Town Board for excess capacity.

Mr. McConnell: Right. You understand where I am coming from. I know that it had been discussed.

Mr. Bollenbach: Yes.

Mr. McConnell: Could we get that clarified?

Mr. Bollenbach: I believe that it is clarified.

Jane Samuelson: It is. If you take a look at the SEQR Impact Threshold Table, there is a note that is stated as follows: *“Town of Warwick Planning Board amended site plan approval is required for failure of an applicant to comply with any of the SEQR thresholds established. Additional SEQR analysis by the Planning Board will be necessary to establish impact and mitigation requirements.”* It basically is saying you could go above and beyond on anything that is outlined on these two tables. Then you would be heading back to the Planning Board.

Mr. Astorino: Or, it could be the Town Board.

Jane Samuelson: Right.

Mr. Fink: Right. There are 2 Tables. One is the SEQR Thresholds from the Zoning Table. The Zoning Table shows where the actual per lot water consumption and sewage capacity. The footnote on that is stated as follows: *“Town Board of the Town of Warwick approval is required for any exceedance of water consumption or sewage capacity thresholds. Town of Warwick Planning Board and/or Zoning Board of Appeals approval is necessary for exceedance of any other Zoning thresholds.”*

Mr. Astorino: I believe the goal is that these are shovel ready sites. I don't believe the WVLDC “the owner” of these lots are going to want their applicants having to go to any Boards.

Mr. Bollenbach: However, if they exceed the threshold, then they would have to.

Mr. Astorino: I understand that. I think that is pretty clear.

Mr. McConnell: This footnote on page 31 addresses my concerns.

Mr. Astorino: Great.

Mr. Showalter: According to the Applicant's Engineer, they could calculate for most usage for sufficient water and sewer for everybody. If there are special exceptions, then they go to the Board like John said.

Mr. Astorino: For the most part, these are shovel ready sites.

Mr. Showalter: Right. That is the beauty of this project.

Mr. McConnell: I am comfortable with that footnote.

Mr. Astorino: Ok.

Comment #10: 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.

Mr. Astorino: I believe we have that. We had seen that at the Work Session.

Jane Samuelson: Yes.

Comment #11: The storm water plan and any applicable soil testing shall be completed in accordance with the specifications of the Planning Board Engineer.

Jane Samuelson: Yes.

Comment #12: 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."

Jane Samuelson: No problem.

Comment #13: The drawings shall be revised in accordance with the comments received from the Town's professionals.

Jane Samuelson: Yes.

Comment #14: The Expanded EAF, including appendices, shall be revised in accordance with the comments received from the Town's professionals.

Jane Samuelson: Yes. We will get you a clean copy.

Comment #15: Applicant to provide Jurisdictional Determination Letter from NYSDEC regarding wetlands.

Jane Samuelson: Yes.

Comment #16: Water Main Extension Report pending Orange County Department of Health review.

Jane Samuelson: Yes.

Comment #17: Sewer Main Extension Report pending New York State Department of Environmental Conservation review.

Jane Samuelson: Yes.

Comment #18: 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."

Jane Samuelson: Yes. That is in one of those tables.

Comment #19: Surveyor to certify that iron rods have been set at all property corners.

Jane Samuelson: Yes.

Comment #20: Payment of all bonds (landscaping, performance, construction trailer removal bond, and construction inspection fees for landscaping and performance).

Jane Samuelson: Yes.

Mr. Bollenbach: I have a comment on the timing of those bonds. The Board might want to consider those bonds be posted individually for each of the 10 lots prior to the issuance of a Building Permit.

Mr. Astorino: That would make sense to do that.

Laura Barca: What about the road?

Mr. Bollenbach: There will be a Road Improvement District. That Town Board would be taking care of that independently.

Laura Barca: Ok.

Mr. Astorino: Yes. I will read that Memo that we have from the Town Supervisor once we get through these comments.

Laura Barca: Ok.

Comment #21: The declaration for the Agricultural Notes and Aquifer Protection Overlay notes must be added to the plans.

Jane Samuelson: Yes.

Comment #22: Payment of all fees.

Jane Samuelson: Yes.

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

Laura Barca: I have a question. What John had just said regarding the bonds, should the amount of the bonds be added to one of the tables that has been created?

Mr. Bollenbach: I think that will change through the years. It all depends on the intensity and the nature of the project that is proposed.

Mr. Astorino: Each lot will be individual.

Laura Barca: Then somewhere there should be a note. We don't want to forget to do the bonds when that lot comes to the Building Department.

Mr. Astorino: I agree.

Mr. Bollenbach: The trigger would be a note that would be posted on each of the 10 lots prior to the issuance of a Building Permit for all of the bonds that are required.

Mr. Astorino: Laura, maybe you could get a note together for that. We will add that to the list here.

Laura Barca: Ok.

Mr. Bollenbach: Just get the information specifically to the Building Department.

Mr. Astorino: Ok. We also have a Memo from the Town Supervisor, dated October 29, 2013 addressed to the Planning Board regarding Special Districts for Mid-Orange Correctional Facility. The Memo is stated as follows: *"It is the intent of the Town Board to create two new special districts and expand the Wickham Water District to include the former Mid-orange Correctional Facility. The two new districts will hold responsibility for maintenance of the stormwater facilities on site and future road improvements that may become necessary as traffic to and from the site exceed those identified under SEQRA."* That takes care of the traffic mitigation, stormwater, and the swale to the road issues. The Town Board would be having a district for all of that. Ok. We have that. 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. Let the record show no public comment.

Mr. McConnell makes a motion for the Negative Declaration.

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

617.12(b)

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

**Name of Action:** WVLDC 10 Lot Subdivision

**Whereas**, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed the Warwick Valley Local

**Whereas**, there are other involved agencies pursuant to SEQR, including the New York State Department of Environmental Conservation and Orange County Department of Health, and

**Whereas**, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated August 7, 2013 and as revised through November 6, 2013, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

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

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

Mr. McConnell makes a motion to waive the required cul-de-sac length.

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

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

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

Mr. Kennedy makes a motion on the WVLDC Lot #1 Subdivision application, granting Preliminary Approval for 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. A SEQR Negative Declaration was adopted on November 6, 2013.

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

Jane Samuelson: We request to have the final public hearing waived.

Mr. McConnell makes a motion to waive the required cul-de-sac length.

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

Mr. Showalter makes a motion on the WVLDC Lot #1 Subdivision application, granting Final Approval for 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. A SEQR Negative Declaration was adopted on November 6, 2013. Approval is granted subject to the following conditions:

1. Applicant is requesting a waiver for the required cul-de-sac length. (Granted).
2. Applicant to provide deed of property.
3. The 9-1-1 addresses must be included on Sheet 1.
4. 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.
5. 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.
6. The storm water plan and any applicable soil testing shall be completed in accordance with the specifications of the Planning Board Engineer.
7. 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."
8. The drawings shall be revised in accordance with the comments received from the Town's professionals.
9. The Expanded EAF, including appendices, shall be revised in accordance with the comments received from the Town's professionals.
10. Applicant to provide Jurisdictional Determination Letter from NYSDEC regarding wetlands.
11. Water Main Extension Report pending Orange County Department of Health review.
12. Sewer Main Extension Report pending New York State Department of Environmental Conservation review.
13. 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."
14. Surveyor to certify that iron rods have been set at all property corners.
15. Site Review Fees and Bonds (landscaping, performance, construction trailer removal bond, and construction inspection fees for landscaping and performance) to be posted individually for each of the 10 Lots, prior to the issuance of a Building Permit. Planning Board Engineer signoff is required.
16. The declaration for the Agricultural Notes and Aquifer Protection Overlay notes must be added to the plans.
17. Payment of all fees.

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

Mr. Astorino: I would like to make a point on behalf of myself and the Planning Board since our Supervisor and a member of the Town Board is present. I think this is one of the projects that this Board has looked at that is very beneficial for the community. We thank the Town Board for their action on this.

Michael Sweeton: I would like to thank the Planning Board for the way you processed this project very thoroughly on answering all of the issues for making it happen in a fast way but in a thorough and complete way. It is going to have a major impact for our community for the next 50 years. I thank you for that.

Mr. Astorino: You are welcome.

**PUBLIC HEARING OF 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, County of Orange, State of New York.

Representing the applicant: Neil Alexander from Cuddy & Feder. Mike Murphy, Applicant.

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

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 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. §164-79.A.(1)(a) The Planning Board must determine if additional landscaping should be installed.
8. The Noise Study/Report must be preparing in accordance with Warwick Town Code §164-79.B(4).
9. 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.
10. Structural Report, Page 3, Results: Anchors do not directly resist shear, so the foundation components being reference needs to be clarified. The single calculation page needs to be on company calculations sheet letterhead with a “designed by” and “checked by” box for initials. If the sheet is a stand alone sheet, it must be signed/sealed or it can be included as part of the structural report that is already being signed/sealed.
11. All drainage features, including culverts at the site and along the driveway shall be located and shown on the site plan (Sheet C-1).
12. 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.
13. 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.”
14. Provide a current Emergency Medical Service (EMS) plan, including contact information, key locations, etc.
15. 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.
16. Payment of all fees.

After satisfying the conditions above and receiving final approval, the Applicant is put on notice about the following items:

17. 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.
18. 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).
19. 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).
20. 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:

American Tower (212 Tower Lane) - None submitted.

The following comment submitted by the ARB:

American Tower (212 Tower Lane) – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has classified this application as a Type 2 Action under SEQR. No further action needs to be taken by the Board.

Comment #2: Applicant to discuss project.

Neil Alexander: I think we have discussed this a lot.

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

Mr. Astorino: Laura, are these the same comments?

Laura Barca: Yes.

Mr. Astorino: Ok. We will list Comments 7 through 20 for the record. Do any Board Members or Professionals have any comments?

Mr. Bollenbach: Let's take a look at Comment #7.

Mr. Astorino: Ok.

Comment #7: §164-79.A.(1)(a) The Planning Board must determine if additional landscaping should be installed.

Mr. Bollenbach: I believe we discussed that at the Work Session that it was not necessary.

Mr. Astorino: Right. It is not necessary.

Laura Barca: We should also discuss Comment #8.

Comment #8: The Noise Study/Report must be preparing in accordance with Warwick Town Code §164-79.B(4).

Mr. Bollenbach: That has to be done.

Mr. Astorino: Ok. Those are the two comments. We will list Comments 9 through 20 for the record.

Comment #9: 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 #10: Structural Report, Page 3, Results: Anchors do not directly resist shear, so the foundation components being reference needs to be clarified. The single calculation page needs to be on company calculations sheet letterhead with a “designed by” and “checked by” box for initials. If the sheet is a stand alone sheet, it must be signed/sealed or it can be included as part of the structural report that is already being signed/sealed.

Comment #11: All drainage features, including culverts at the site and along the driveway shall be located and shown on the site plan (Sheet C-1).

Comment #12: 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.

Comment #13: 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.”

Comment #14: Provide a current Emergency Medical Service (EMS) plan, including contact information, key locations, etc.

Comment #15: 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.

Comment #16: Payment of all fees.

After satisfying the conditions above and receiving final approval, the Applicant is put on notice about the following items:

Comment #17: 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.

Comment #18: 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).

Comment #19: 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).

Comment #20: 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.

Neil Alexander: I have the EMS Plan that has been asked that we provide.

Mr. Astorino: Ok.

Mr. Bollenbach: That needs to be kept current.

Neil Alexander: Yes.

Mr. Showalter: Does the Town somehow notify the Tower Owners that their Special User Permit is expiring?

Mr. Bollenbach: Yes. They would get ongoing violations. Those go out regularly.

Mr. Showalter: What about sending them a reminder that their renewal is expiring?

Mr. Astorino: No.

Mr. Showalter: Do you think we should do that?

Mr. Bollenbach: There is a first notice that goes out as a reminder. If they don't respond to that, then an Order of Remedy is sent out.

Mr. Astorino: To be honest, I think the Tower Owners have an obligation to notice.

Mr. Showalter: I bring it up because it seems like the Towers change ownership all the time.

Mr. Bollenbach: That is why we are trying to make it a conditional of the approval that it is an affirmative obligation to keep that information current.

Mr. McConnell: Right. Generally speaking, the Law Firm representing the Tower Owners has a tickler system but doing nothing but keeping track on when filing needs to be made in Court, or when permits need to be renewed, etc... All of this is done at the Law Firm. The Town shouldn't have to take on the additional burden of reminding them of their obligations.

Neil Alexander: I wasn't aware that we do that either. We haven't been asked. But, I do understand.

Mr. McConnell: I am sure someone in your Firm has some sort of a tickler system.

Neil Alexander: No. We don't. We have had this discussion with the carriers intensely for the sake of our insurance policies that we don't take on that responsibility. But, I do hear what you are saying. I also wanted to say that Mike Murphy has been in touch with a contractor and we are putting the final details together. We will provide proof to you that we are entering into contract with Canevari Construction for the road maintenance.

Mr. Astorino: Ok. This is a public hearing. If there is anyone in the audience wishing to address the American Tower application, please rise and state your name for the record. Let the record show no public comment.

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

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

Mr. Showalter makes a motion on the American Tower application, granting 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, County of Orange, State of New York. A Type 2 Action was adopted on June 20, 2012. Approval is granted subject to the following conditions:

1. §164-79.A.(1)(a) The Planning Board must determine if additional landscaping should be installed. Determined to be not necessary.
2. The Noise Study/Report must be preparing in accordance with Warwick Town Code §164-79.B(4).
3. 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.
4. Structural Report, Page 3, Results: Anchors do not directly resist shear, so the foundation components being reference needs to be clarified. The single calculation page needs to be on company calculations sheet letterhead with a "designed by" and "checked by" box for initials. If the sheet is a stand alone sheet, it must be signed/sealed or it can be included as part of the structural report that is already being signed/sealed.
5. All drainage features, including culverts at the site and along the driveway shall be located and shown on the site plan (Sheet C-1).
6. 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."
7. Provide a current Emergency Medical Service (EMS) plan, including contact information, key locations, etc.
8. 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.
9. Payment of all fees.

After satisfying the conditions above and receiving final approval, the Applicant is put on notice about the following items:

10. 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.

11. 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).
12. 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).
13. 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.

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

Neil Alexander: Thank you.

**PUBLIC HEARING OF 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, County of Orange, State of New York.

Representing the applicant: Mike Bieniak from LLC, Law.

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

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 10/06/13 no comments
4. Architectural Review Board comments: pending
5. Wireless Telecommunication Facility Board comments: pending
6. OCPD: 09/18/13 no advisory comments
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 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 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.
29. Structural analysis, Page 1, Introduction: explain the “change by loading by...”
30. Structural analysis, Page 1 Supporting Documentation: no available for review at this time.
31. Structural analysis, Page 3, Foundations: allowable capacities are not provided.
32. Structural analysis, Page 3: Anchors do not directly resist shear, so the foundation component being referenced needs to be clarified.
33. Applicant now proposes to install on the 300-ft Guyed Tower (instead of the 310-ft H-Frame Tower); a new structural report has been submitted and is under review.
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:

Vigilant Global – None submitted.

The following comment submitted by the ARB:

Vigilant Global – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This application is a Type 2 Action. No further action needs to be taken by the Board on SEQR.

Comment #2: Applicant to discuss project.

Mike Bieniak: What we are proposing to do is add two 77.5” microwave antenna dishes. We are proposing to go with the 187’ centerline on the tower.

Mr. Astorino: Is this a different tower?

Laura Barca: American Tower has 2 towers located right next to each other. One tower has an H frame. The other tower is just a single pole.

Mr. Bollenbach: It is a single lattice.

Laura Barca: At first, Vigilant wanted to go on the H frame tower. When they did the structural analysis that put 158% stress on certain parts of the structure that was required as an improvement. They were either going to opt to do those improvements or they decided to put it out to the 2<sup>nd</sup> structure the single lattice which would make the stress factor more satisfying. We looked at that structural report today. It looks like that will be fine.

Mr. Astorino: That would be a condition of the approval. That would be done before the maps are signed.

Laura Barca: Yes.

Mr. Astorino: Ok.

Mike Bieniak: That is basically what we are proposing to do. The equipment would be going inside the existing equipment building that is at the base of the tower. There would be no expansion of the lease area or additional equipment visible to the general public.

Mr. Astorino: Ok.

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: 09/18/13 no advisory comments

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: They just got their conditional final approval.

Mr. Bollenbach: No building permits could be issued or no construction can be commenced until American Tower's maps are signed.

Mike Bieniak: Understood.

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

Mike Bieniak: Ok.

Mr. Astorino: Laura, are these the same comments that we had the last time?

Laura Barca: Yes.

Mr. Astorino: Ok. We will list Comments 9 through 36 for the record. Do any Board Members or Professionals have any comments?

Mr. McConnell: John, regarding your point about no permits to be issued or construction to start until American Tower's maps are signed, is that stated somewhere?

Mr. Bollenbach: That is in Comment #36.

Mr. McConnell: Ok. John if you are satisfied with how that comment is stated, then fine.

Mr. Bollenbach: Yes.

Mr. McConnell: I'm just saying from reading this comment, I don't think it says what you had stated. If you are satisfied with it, then that is fine with me.

Mr. Bollenbach: Yes.

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.

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.

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).

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

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

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.

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.

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

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.

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

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

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

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

Comment #30: Structural analysis, Page 1 Supporting Documentation: no available for review at this time.

Comment #31: Structural analysis, Page 3, Foundations: allowable capacities are not provided.

Comment #32: Structural analysis, Page 3: Anchors do not directly resist shear, so the foundation component being referenced needs to be clarified.

Comment #33: Applicant now proposes to install on the 300-ft Guyed Tower (instead of the 310-ft H-Frame Tower); a new structural report has been submitted and is under review.

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.

Comment #35: Payment of all fees.

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: This is a public hearing. If there is anyone in the audience wishing to address the Vigilant Global application, please rise and state your name for the record. Let the record show no public comment.

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

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

Mr. Showalter makes a motion on the Vigilant Global application, granting site plan approval was 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 County of Orange State of New York. A Type 2 Actin was adopted on October 16, 2013. Approval is granted subject to the following conditions:

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28. 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.

29. Payment of all fees.

30. 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.

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

Mike Bieniak: Thank you.

**Other Considerations:**

1. Planning Board Minutes of 10/16/13 for Planning Board Approval

Mr. McConnell makes a motion to Approve the 10/16/13 Planning Board Minutes.

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

**Correspondences:**

1. Memo to the Planning Board from Supervisor Sweeton regarding Special Districts for Mid-Orange Correctional Facility.

Mr. Astorino: I read that Memo earlier tonight.

**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 November 6, 2013 Planning Board meeting.**

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