

TOWN OF WARWICK PLANNING BOARD

November 20, 2013

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, November 20, 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, I would like to make a short announcement. Our Town Attorney, Mr. John Hicks recently passed away. I would like to have a moment of silence for him. Thank you.

**PUBLIC HEARING OF Maria Bozzone #2**

Application for Site Plan Approval for the construction and use of a steel elevated driveway. It will be used by the residents for access to their home with suitable grades and stairs for elderly access, located within "A Designated Protection Area" of Greenwood Lake, situated on tax parcel S 73 B 9 L 30.21; project located on the south side of Lodge Drive 103 feet of centerline (13 Lodge Drive), in the SM zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Emanuel Posluszny from Poz Engineering.

Connie Sardo: Mr. Chairman, we received the certified mailings for the Bozzone Public Hearing.

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments – pending
4. Architectural Review Board comments – pending
5. The Applicant should check the Town's webpage to determine if the property is within the Town's five overlay districts and add information to the drawing set. The zoning map is shown on Sheet ENV-1, but the five overlay districts are not shown.
6. All projects within 100-ft of Greenwood Lake must submit a full-size plan and cover letter to the Greenwood Lake Commission.
7. According to §150-4, over 0.25-acre is not allowed to be cleared without a permit from the building department citing any planning board requirements. A note was added to Sheet A-1 and C-2, but it must be modified to state that the Total Acreage OF DISTURBANCE is less than 0.01 acres, if that is the case.

8. The colors, including reflectivity, must be shown on the plan.
9. The color(s) selected must be added to the plan set.
10. The paint color is stated on Sheet ENV-1 (medium gray with reflectivity less than 60%); a paint sample must be provided and a note specifying the paint color must be added to the plan (Valspar Dusty Lead 4002-2B or approved equal).
11. Photometric data not provided, as noted in §164-43.4C and §164-43.4E(4) to illustrate lighting levels at the property line.
12. A note must be added to the plan stating the motion sensor details and timing of the lights on and off, etc.
13. Based on the plans submitted, it appears that the XPL lighting fixture is intended to be placed across the parking deck. Please verify that this fixture can withstand any potential vehicle traffic.
14. Lighting fixture XPL is an upward facing light. Please verify that this meets §164-43.4, where all lighting fixtures are shielded/facing downward; and §164-43.4E(2)(a) noting that uplighting is prohibited.
15. Applicant to add a note regarding lamp or fixture substitution, as noted in §164-43.4C(2).
16. Applicant to verify conformance with the Town's signage code, as applicable. Applicant to clarify if signage is needed; allowed weight on the structure, etc. A detail must be added to the weight limit sign.
17. The clear heights of the structure and the right-of-way width must be shown on Sheet S-1 and S-3. Applicant to clarify if a brace would restrict the height in the area of the right-of-way.
18. The elevations do not seem consistent between the survey and the structural drawings. Applicant to clarify if two different elevation systems are being used.
19. The guard rails shall conform to guards for persons per the RCNYS with a maximum opening of less than 4".
20. Applicant to add a stair detail to Sheet S-3.
21. Please verify how storm water will be managed at the end of the parking ramp.
22. The 7209 note (the "unauthorized alteration..." note) is missing on all drawings prepared by an engineer.
23. Please clarify if POZ Engineering has a Certificate of Authorization in New York State.
24. 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." (Note is on Sheet S-1 Floor Framing, Note 17 and Drawings E-1 and E-2).
25. Surveyor to certify that iron rods have been set at all property corners.
26. Payment of all appropriate bonds (private road) and inspection fees.
27. Payment of all fees.

The following comment submitted by the Conservation Board:

Maria Bozzone #2 – None submitted.

The following comment submitted by the ARB:

Maria Bozzone #2 – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This application was classified as a Type 2 Action. No SEQR review is necessary.

Comment #2: Applicant to discuss project.

Emanuel Posluszny: The proposed project is for a steel structure. It will be about 9-1/2 feet in height. There will be a lower area that will be lit with LED lighting. The structure would only support cars. It would have the capability of maneuvering the cars to go into a forward position.

Comment #3: Conservation Board comments – pending

Comment #4: Architectural Review Board comments – pending

Comment #5: The Applicant should check the Town's webpage to determine if the property is within the Town's five overlay districts and add information to the drawing set. The zoning map is shown on Sheet ENV-1, but the five overlay districts are not shown.

Mr. Astorino: That is in the Code. That would be a block that would need to be put on the map.

Emanuel Posluszny: Ok.

Comment #6: All projects within 100-ft of Greenwood Lake must submit a full-size plan and cover letter to the Greenwood Lake Commission.

Mr. Astorino: I believe this has been done.

Connie Sardo: Yes.

Comment #7: According to §150-4, over 0.25-acre is not allowed to be cleared without a permit from the building department citing any planning board requirements. A note was added to Sheet A-1 and C-2, but it must be modified to state that the Total Acreage OF DISTURBANCE is less than 0.01 acres, if that is the case.

Emanuel Posluszny: Yes.

Comment #8: The colors, including reflectivity, must be shown on the plan.

Mr. Bollenbach: They are all going to be earth tone colors.

Mr. Astorino: We had seen samples of the earth tone colors that meet the requirements.

Emanuel Posluszny: Do you want the color?

Mr. Astorino: We want the name of the color.

Laura Barca: This comment also relates to Comment #10.

Comment #9: The color(s) selected must be added to the plan set.

Mr. Astorino: You understand that.

Comment #10: The paint color is stated on Sheet ENV-1 (medium gray with reflectivity less than 60%); a paint sample must be provided and a note specifying the paint color must be added to the plan (Valspar Dusty Lead 4002-2B or approved equal).

Mr. Astorino: That is the paint that will be provided. That would then go to the Building Department. That would be the color of that paint that would have to be used.

Comment #11: Photometric data not provided, as noted in §164-43.4C and §164-43.4E(4) to illustrate lighting levels at the property line.

Mr. Astorino: I believe that was provided.

Emanuel Posluszny: Yes.

Mr. Bollenbach: We will keep that comment.

Comment #12: A note must be added to the plan stating the motion sensor details and timing of the lights on and off, etc.

Mr. Astorino: If someone pulls a car in no person wants to see lights continually on. You have to have them motion sensed within a certain timeframe.

Mr. Bollenbach: I think we had discussed this at a Work Session.

Mr. Astorino: Yes. We did. I think we said to have them stay on for 15 minutes.

Laura Barca: The lights are to be programed to go off in 15 minutes.

Mr. Astorino: At least that would give them time to walk into their home with a bag of groceries. Then the lights would go off. Have that done at a 15 minute timeframe.

Emanuel Posluszny: Ok.

Mr. Bollenbach: How would we insert that? How is that being proposed?

Laura Barca: I believe when you pull 5 feet onto the ramp the LED lights on the side will go on. Then you would have 15 minutes to park your car and get inside before the lights would automatically go off. That note would need to be added to the plan.

Comment #13: Based on the plans submitted, it appears that the XPL lighting fixture is intended to be place across the parking deck. Please verify that this fixture can withstand any potential vehicle traffic.

Mr. Astorino: That would be in those details.

Emanuel Posluszny: Ok.

Comment #14: Lighting fixture XPL is an upward facing light. Please verify that this meets §164-43.4, where all lighting fixtures are shielded/facing downward; and §164-43.4E(2)(a) noting that uplighting is prohibited.

Mr. Astorino: If it is facing upward, you cannot have that. All lighting has to be faced downward and it has to be shielded.

Emanuel Posluszny: Right. I thought we had it as facing downward.

Mr. Astorino: I thought it was to. Maybe this is a comment that was left over from the last time.

Mr. McConnell: Maybe because the detail on Sheet E4 showing the details of the light shows it facing up.

Laura Barca: Right.

Mr. Astorino: I had seen that.

Mr. McConnell: It is not showing it installed. It is just showing the detail.

Mr. Astorino: Right. This way it clarifies that it has to face downward.

Comment #15: Applicant to add a note regarding lamp or fixture substitution, as noted in §164-43.4C(2).

Emanuel Posluszny: Ok.

Comment #16: Applicant to verify conformance with the Town's signage code, as applicable. Applicant to clarify if signage is needed; allowed weight on the structure, etc. A detail must be added to the weight limit sign.

Mr. Astorino: If you are putting a sign that says so much weight, a sign has to be provided and shown that meets the Code's criteria.

Emanuel Posluszny: Ok. I do have the position of the sign. Do you want me to show you the actual sign?

Mr. Astorino: Yes. Show the color and size.

Laura Barca: Yes.

Mr. Astorino: It has to meet the criteria of the Code.

Mr. Bollenbach: Why don't you use the standard Town's Highway criteria?

Mr. Astorino: Yes. That would make sense.

Mr. Showalter: John, are you saying you want the same type of sign that DPW uses?

Mr. Bollenbach: Yes, ie: "Weight limit 10 Tons". Use the standard signage color. So people would know what it is.

Mr. Astorino: Ok.

Comment #17: The clear heights of the structure and the right-of-way width must be shown on Sheet S-1 and S-3. Applicant to clarify if a brace would restrict the height in the area of the right-of-way.

Mr. Astorino: I think that we discussed this.

Mr. Bollenbach: We discussed that it would not.

Mr. Astorino: That it would not. The brace at 7 ½ feet under the right-of-way is clear from what we show on the plans. Laura, do we also have the height on the plan?

Laura Barca: Yes.

Mr. Astorino: That is 9 ½ feet in height.

Laura Barca: Yes.

Emanuel Posluszny: The plan says 10 feet. It is supposed to be 9 ½ feet with 8 feet underneath.

Mr. Astorino: The plans would have to be adjusted and reviewed before my signature.

Emanuel Posluszny: Ok.

Comment #18: The elevations do not seem consistent between the survey and the structural drawings. Applicant to clarify if two different elevation systems are being used.

Laura Barca: That has been clarified.

Mr. Bollenbach: Laura, could we strike Comment #18?

Laura Barca: We could keep that comment there. I will mark it off as a condition.

Mr. Bollenbach: Ok.

Mr. Astorino: Ok.

Comment #19: The guard rails shall conform to guards for persons per the RCNYS with a maximum opening of less than 4".

Mr. Astorino: That is a standard detail.

Comment #20: Applicant to add a stair detail to Sheet S-3.

Emanuel Posluszny: Yes.

Comment #21: Please verify how storm water will be managed at the end of the parking ramp.

Emanuel Posluszny: Ok.

Comment #22: The 7209 note (the "unauthorized alteration..." note) is missing on all drawings prepared by an engineer.

Emanuel Posluszny: I will check that.

Comment #23: Please clarify if POZ Engineering has a Certificate of Authorization in New York State.

Emanuel Posluszny: Yes. I have a license number.

Mr. Astorino: You will need to provide that.

Emanuel Posluszny: Ok.

Comment #24: 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." (Note is on Sheet S-1 Floor Framing, Note 17 and Drawings E-1 and E-2).

Mr. Astorino: That means once this receives conditional final approval. You cannot build anything until all the conditions are met and the final maps are signed and a Building Permit is issued.

Emanuel Posluszny: Ok.

Comment #25: Surveyor to certify that iron rods have been set at all property corners.

Emanuel Posluszny: Yes.

Comment #26: Payment of all appropriate bonds (private road) and inspection fees.

Mr. Astorino: The bond would be for if any damage incurred to the private road. There will be photos taken before construction, during construction, and after. They will be witnessed by our Engineer. There will be inspections made by our Engineer. Hopefully there shouldn't be any damage. But if any damage occurs there will be a bond put in place and inspection fees. The inspection fee would be for our Engineer to witness any construction.

Emanuel Posluszny: Ok.

Comment #27: Payment of all fees.

Mr. Astorino: That means if there are any more fees that incur by our Professionals before maps are signed, we will let you know.

Emanuel Posluszny: Ok.

Mr. Astorino: Do any Board members or Professionals have any comments? We received a letter from a resident, Carl and Jenifer Ledesma, dated 11/19/13. We have that letter for the record. I am sure the Board members and Professionals have read it. Before I open the public hearing, any residents or members of the public, please address the Planning Board. We are the Board that will take your comments and concerns. That also goes to the applicant. You will address the Planning Board. This is a public hearing. If there is anyone in the audience wishing to address the Maria Bozzone application, please rise and state your name for the record.

Carl and Jenifer Ledesma approaches the Planning Board.

Carl Ledesma: We live right next door to Mrs. Bozzone.

Mr. McConnell: The letter that was referred, is it the letter that you sent?

Carl Ledesma: Yes.

Mr. McConnell: Ok.

Carl Ledesma: We have had that driveway surveyed. I don't know if you have that.

Mr. Astorino: Yes.

Carl Ledesma: There is not an inch of space on either side of that curb. That curb is her property line. There is not an inch on top.

Mr. Astorino: All work is to be done on the applicant's property. We had done a site visit. I believe I have met with your wife that day.

Jenifer Ledesma: Yes.

Mr. Astorino: All work is to be done on the applicant's property. They can't do any work on any of the neighbor's properties or your property.

Carl Ledesma: When they built that present driveway, they did work on our property.

Mr. Astorino: That would be an issue. Let me put it this way. Anyone could do anything illegally or what have you. What I am saying, it is a burden if some does do that. There are other channels that would have to be resolved. You could make a call to the Police or to the Building Department. I am sure you know where your property line is. I am sure the Bozzones know where their property line is. This was discussed at our Work Session in depth. They are to work on the Bozzone's property, not on your property. Everyone understands that.

Laura Barca: Ben, because of that conversation, there was a note added to the plan. It is on Sheet 2, C2. The note is stated as follow: Note #4: *“Ingress and Egress: The Contractor is responsible to use equipment that will access the work site without damage or destruction to the property of the landowner or adjacent landowners. Any damage as a result of the Contractor activities is the responsibility of the Contractor to replace or repair any subsequently damaged property.”*

Mr. Astorino: Ok. The bottom line is that you don't want them on your property.

Carl Ledesma: Right.

Mr. Astorino: That is pretty clear.

Carl Ledesma: No. It is more than that. I don't want to deal with Contractors all day and every day like we did the last time. We went through this the last time. They dumped a truckload of lumber on the road. That was about 8 feet high and 40 feet long. When the Cop pulled up, he couldn't believe it. He almost hit the lumber. That was for 8 hours until they emptied it. We don't want to deal with it. If this thing is to move forward, I would like to have a Patrolman present there the entire time.

Mr. Astorino: We don't have the authority to send a Patrolman there. We can say that the road has ingress & egress. If you use that road or the Bozzone's, or whoever use that road, can come in and within a reasonable amount of time unload their stuff. If they have to unload on Jersey Avenue, then maybe they would have to unload up there and carry it down. They cannot block the road for other residents.

Carl Ledesma: They have done that. They have a history of doing that. I could send you photographs.

Mr. Astorino: That was in the past. Emanuel, I would hope when a bid goes out to a Contractor, they would have to be fully aware that they cannot block someone's access.

Carl Ledesma: They will. They have.

Jenifer Ledesma: It has continued in the past.

Carl Ledesma: It just happened this past Sunday with a Satellite Company.

Mr. Astorino: That could happen anywhere. That could happen with delivery men.

Jenifer Ledesma: Absolutely. But it is a daily thing.

Carl Ledesma: This has happened when they had last done a major project.

Jenifer Ledesma: Every project has been such a nightmare.

Mr. Astorino: Ok.

Carl Ledesma: We get knocks on our door asking if they could use our driveway. We say no. Then they get angry at us because we are the bad guys that we don't let them use our driveway or our beach to cross over.

Mr. Astorino: You know something, It is what it is. Unfortunately it is the nature of the beast there. This is not the first time this Board has heard from Private Road residents in a similar situation. Unfortunately you are going to hear it. Does it stink some time that you have to go out and move your car? I live on a shared driveway myself. We some time have to go out and move our cars. I understand that it could be a burden. We as a Board could put the safeguard in place. If someone is going to be difficult about it, then it would have to be handled through the Law or the Building Department.

Mr. Bollenbach: Mr. Chairman, I think to a certain extent, Comment #26 does have safeguards in place. Perhaps when the inspection fees are calculated, there could be additional provisions in there for the Planning Board Engineer to inspect the property or let the Building Department be aware of it so they would have more regular inspections. In the event there is a violation, a Stop Work Order would be issued. Those are the procedures that we plan to have in place so that we don't have a reoccurring situation.

Carl Ledesma: This was told to us the last time. We paid \$16,000.00 for that road. She paid nothing for that road. Because we share a driveway, he could not pave my driveway unless he paved her driveway. She didn't want to pay one cent to have her driveway paved. Not only did we have to pay for the road, but we also had to pay for her driveway.

Mr. Astorino: As you have heard, there will be a bond put in place for any damage that occurs to the road.

Carl Ledesma: How much for that bond?

Mr. Astorino: I believe we are talking about a \$5,000.00 Bond.

Carl Ledesma: I think that was how much it was the last time.

Mr. Astorino: I think it was to. To be honest to you, I went out there personally. I looked at the road. I looked at the condition of the road. The road is not new. It is a tough road.

Mr. Bollenbach: That is all relevant. We will take pictures of it.

Mr. Astorino: The Engineer will be out there. She will take photos of it before and after. I took photos personally. I have sent them to her. It is documented already at this state. As it moves forward, there would be more safeguards put in place. That is a common occurrence that we do in similar situations.

Carl Ledesma: This is all minor stuff compared to my view. I have beachfront lakefront view. We went through this when they built their house. They said that you have to pay for that view. Other neighbors complained that when they build that house, it was going to block their view. You said, too bad that I don't have lakefront.

Mr. Astorino: We had done a Visual Analysis. I could throw this to Ted or Laura. When the Visual Analysis was done we also went further and had done balloon tests. The Visual Analysis in the Code states from public entities which would be from a road, a street, a scenic overlook or what have you. It doesn't mention private homes. But, we took it a step further. We had done the Visual Analysis. We had done our photos.

Mr. Astorino shows the photographs of the balloon tests to the neighbors and explained to them how the balloon tests work and where the parking structure would stop in regards to the height of it. The structure is not to jut out as far as you believe it would jut out to. Where these balloons are located, that would be at the 9-1/2 foot height. Mr. Ledesma tells the Board that it would be 4 feet higher than their fence. The Ledesma's have a 6-foot fence. The Ledesma's state that it surpasses that by 4 feet. Mr. Astorino states that they meet the requirements of the Visual Analysis. In the photo, if you look at where the tree was, which is now not there anymore, your view was looking at that portion of the tree.

Carl Ledesma: Did you see my pictures?

Mr. Astorino: Yes.

Carl Ledesma: I have several patios and sitting areas around my house.

Mr. Astorino: I understand that. It is not in the Code to protect every ounce of a view from every angle of your property. It is allowed in the Code.

Carl Ledesma: It is not just from my deck that I am worried about. It is also from other sections of my property that I am worried about.

Jenifer Ledesma: Her car is going to be right next to my fence.

Carl Ledesma: She is going to be looking down.

Jenifer Ledesma: She will be looking down into our property. There would be no more privacy.

Mr. Astorino: It is allowed in the Code. If you want, you could raise your fence.

Carl Ledesma: Could we raise the fence 6 feet past it where her driveway is?

Mr. Astorino: You already have a permit for that fence. Is that correct?

Carl Ledesma: Right.

Mr. Astorino: I think it is over 4 feet. You could raise it.

Mr. Bollenbach: It is 6 feet. You would have to go for a ZBA variance for a fence higher than 6 feet.

Connie Sardo: It needs to be 4 feet in the front yard and 6 feet on the sides.

Mr. Showalter: So, you would have to go to the ZBA for a variance in order to make the fence higher to cover up the driveway.

Mr. Bollenbach: Perhaps the Board might want to consider some type of additional fencing or screening on the Bozzone's structure.

Mr. Showalter: I think that would only be fair to the neighbor.

Mr. Bollenbach: Maybe we could refer that to Ted.

Carl Ledesma: There has been a lot of peace since that fence went up.

Mr. Astorino: Ok.

Ms. Little: Just keep in mind that will also restrict more view.

Laura Barca: You also have a neighbor behind.

Mr. Showalter: Ok. That would block him.

Mr. Bollenbach: No. It is just perpendicular to the lake.

Emanuel Posluszny: Could I make a suggestion?

Mr. Astorino: Yes.

Emanuel Posluszny: Instead of the railing to be open space, I could make it solid.

Laura Barca: Are you talking about the guiderail?

Emanuel Posluszny: Yes.

Mr. Astorino: That might work for your privacy and still let the other neighbor see over it.

Jenifer Ledesma: Would it be like a highway type of rail.

Emanuel Posluszny: No. It would be steel posts and wooden rails.

Mr. Astorino: It would be solid so you couldn't see through it.

Carl Ledesma: What is the sequence of events that is going to go on here? I determined now that I may need an Attorney.

Mr. Astorino: First of all, they are within a Designated Protection Area of Greenwood Lake. That is why they are before us. If they meet all of the criteria of the Code and meet all of these issues that are in the Code, then the Board could take action on it. If it gets approved, then all of these comments that we had just read this evening will go into the record. It will go back to the Applicant's Professional. Before the final maps are signed off, all of these conditions have to be met. Our three professionals have to review the plans to make sure everything is done correctly. There would be bonds and inspection fees put in place. Then the final signed maps go back to the Applicant's Professional. Then the Applicant would have to go to the Building Department to obtain a building permit. They would come to the Building Department. It would have to be reviewed by the Building Inspector. There would be a coordinated review with the Building Inspector and our Engineer. Then they could move forward. Then the Applicant would put out a bid for a contractor. At that point, it would be the Building Department that would be reviewing it as well as inspections would be made by our Engineer.

Mr. Bollenbach: Right now, we are having the public hearing to get the public comment to try to address legitimate concerns. If the Board feels there are legitimate concerns, then the Board can impose reasonable conditions.

Carl Ledesma: Ok.

Mr. Astorino: You don't want to put a wall up here that nobody is going to be able to see. You don't want a wall like they have on the L.I.E.

Mr. McConnell: You could get more privacy but lose more view.

Mr. Astorino: Exactly. If you go up too high, you will be boxed in your little corner. Then you wouldn't be able to see anything.

Carl Ledesma: The reason why I am saying all of this is because from our end it sounds like this is already a done deal. I want to have the opportunity to get all of the information. Then, I want to have my Attorney take a look at it to see if maybe you guys didn't get a professional to review it more carefully. This is serious to me. This is my life.

Mr. Astorino: It is serious to us to.

Carl Ledesma: What is the timeframe of this project? How long would it take? That is a factor to.

Mr. Astorino: I can't answer that. They would still have to follow the Code as far as the hours of operation, start times, and completion times of the day. All of that information would be on the plans.

Carl Ledesma: Is the present driveway in code?

Mr. Astorino: That I do not know.

Laura Barca: That would be for the Building Department.

Carl Ledesma: Who here is from the Building Department?

Mr. Astorino: There is no one here from the Building Department. We are the Planning Board.

Connie Sardo: You would have to go to the Building Department and speak to Wayne Stevens the Building Inspector.

Mr. Astorino: If it is not in code, then that would be their issue to cite them.

Carl Ledesma: I put it in my letter that we had gone twice to the Building Department. We told them that there was no way they could build this without trampling on our property. They have 10 feet. We had the property surveyed. We went to them. They said that you don't need a permit for this. I said to them how could you not need a permit?

Mr. Astorino: Just like I said, they have to work on their property. If they go onto your property, that would be illegal.

Mr. McConnell: That is an issue that you cannot take up with us. We don't have enforcement powers. If someone steps foot on your property and you didn't grant them permission, then your recourse is through the Police Department or the Building Department. It is not the Planning Board.

Carl Ledesma: It's a civil matter. We have been through that a million times.

Jenifer Ledesma: Yes, you said that this all meets the Code and stuff. This is taking a huge chunk away from us.

Carl Ledesma: What is wrong with the present driveway?

Mr. Astorino: You are going into something that we are not going to answer.

Carl Ledesma: Ok.

Mr. Astorino: If they are allowed to do this and they can do it and they meet the requirements, then that would be great. We deal with the facts and the Code.

Carl Ledesma: I would like to be carbon copied and cc'd on everything.

Mr. Astorino: You could go to the Planning office and FOIL anything you like.

Carl Ledesma: Is there a picture of this structure?

Mr. Astorino: It is all in the plans. The plans are on the table. You may take a look at it.

Mr. Showalter: As far as the Code, you could access the Code on the Town of Warwick's website.

Mr. Astorino: Yes.

Carl Ledesma: This is our biggest nightmare.

Mr. Astorino: I totally understand that. I was the only Board member here the last time around. My only issue to you is that we could take every safeguard imaginable. You have heard the comments here tonight. There isn't much more that you are going to put on these comments. We are taking in a bond and inspection fees. With the inspection fees, our Engineer will be out there to inspect the project. I don't know what else you could do as far as a safeguard. Our Engineer will be in contact with the Building Department. If someone goes onto your property, then you call the police. Unfortunately, it is what happens. It is what it is.

Mr. Bollenbach: Mr. Chairman perhaps in the interim, the Applicant's Engineer could provide us with some samples or some alternatives of some type of proposed screening that may be placed on the elevated driveway.

Mr. Astorino: Yes. Just like closing in the rails. That would be a good idea. Do you have any other questions for the Board?

Carl Ledesma: We want to know a timeline.

Mr. Astorino: That would come from the Building Department. It would not come from us. I don't think they would know from a Contractor on how long something like this would take.

Carl Ledesma: Not that timeline. We want to know the timeline between now and the approval. We want to know that so we could hire an attorney.

Mr. Astorino: That would depend on the Board. If we feel these issues could be mitigated with the rail, we could take action this evening.

Carl Ledesma: Ok.

Mr. Astorino: Then it would go through the process of review with every condition that is set. You have the right to get an Attorney any time you want. That would be up to you. Our right is to make sure everything is in the Code. If something is not right, we would say it is not right. If it is right, we will say it is right.

Mr. McConnell: We cannot be arbitrary and say we don't like this personally so therefore we are not going to approve it. We don't have that option available to us. If what they are presenting fits within the parameters of the Code, which is the Town Board and ultimately residents have decided that this is what we want to see projects be, then we are kind of tied to making reasonable requests to mitigate those problems that have been identified either through our own investigation or through a public hearing. But beyond that, you don't want us to be able sit here arbitrarily deciding things. Because when you want to do something, you might be subject to the same set of circumstances of being arbitrary. That is not what we do. That is not what we are allowed to do. It is a little difficult to give you assurances that would make you comfortable. But, we are trying to do what we can.

Mr. Astorino: Exactly. Dennis, very well said.

Jenifer Ledesma: We understand that.

Carl Ledesma: Sometimes the Towns have Codes about what a sign has to look like or lighting.

Mr. Astorino: As you have heard, it is all here. We talked about it. Everything has to follow the Code.

Carl Ledesma: Is there one contact person that I could be in touch with?

Mr. Bollenbach: You could get in contact with our Engineer or with Connie.

Carl Ledesma: Ok.

Mr. Astorino: Let us move on. Is there anyone else wishing to address the Bozzone application?

Robert Jones: I live on X Lodge Drive. First, I just want to make a statement. I am certainly not looking to be against anyone from gaining access to their home. First of all, I didn't even understand the scope. I remember seeing you out at the site with the survey.

Mr. Astorino: Yes.

Robert Jones: I even allowed people to park on my property when they were there. This is the first time that I had the opportunity to see what is involved. Is this steel structure going to come all the way up to grade from where the upper parking area where everyone is?

Mr. Astorino: It will be from right on top of her driveway.

Robert Jones: Will there be steel all the way across?

Mr. Astorino: There will be a parking deck going all the way down. Then it would be level.

Robert Jones: It would be slightly pitched until it comes to a level at that point.

Mr. Astorino: Yes.

Emanuel Posluszny: It's not leveled. It would still be at 2% at the bottom.

Robert Jones: As it comes down on a grade, would that also be opened and exposed like the structure underneath or would that be filled in?

Emanuel Posluszny: That will be all open.

Robert Jones: Ok. If a fence does go up, I understood with what you had said that certain criteria deals with the blocking of views and not necessarily to private residents. I understand that. It was brought up having the fence put up. By adding that additional fence would create concerns for us. Our view seems to be more limited now since the homeowner went up another story. Our view of the lake went down a little bit. Now we are limited to what we have. It has opened up a bit since they had removed that pine tree.

Mr. Astorino: Yes.

Robert Jones: But now a structure is going to go up. Now there is talk about putting a fence up. I understand what the limitations are. I just want to reiterate to make sure that everyone understands.

Mr. Astorino: I was thinking instead of a fence, as Mr. Showalter had pointed out, instead of an open guardrail, you would have a closed guardrail. You would still be able to enjoy your look over that way. The neighbors would get a little bit of privacy. That is a mitigation through the public hearing. We could say it is what it is and leave the guardrail the way it is.

Mr. McConnell: It might be useful if we could see a sketch to see what the different options were.

Mr. Astorino: That was what John had pointed out.

Mr. McConnell: Perhaps, we might want to adjourn this public hearing to another date. That way the residents could see these sketches also.

Mr. Showalter: I absolutely agree. It would only be fair to the neighbors.

Emanuel Posluszny: I could do a CAD drawing on this plan to show the height of it and how it would look.

Mr. Bollenbach: Get actual photos of the proposed fencing. Get us some details and cut sheets.

Mr. Astorino: To be honest, you are talking about one side of this driveway. It is the one side facing your home.

Robert Jones: I understand that you work with limitation, engineering and everything that is involved with this. I am just concerned when I am looking at the beautiful lake and seeing this industrial parking structure like it is next to Yankee Stadium sitting over there blocking and having fences going up. Again, I don't want to beat a dead horse. That is our concern.

Mr. Astorino: To be honest with you and in my opinion, I don't know about the Board's opinion, but I like the idea of closing in the guiderail. Putting a fence up, I think it is detrimental to everybody at this point. I know you might think differently. But you are coming together with a guiderail that is solid. It is not going to obstruct your view. You will be looking over it. It will give you a little more privacy. It is still going to give you

another couple of feet over your fence the way it is now, which it sounded like what you guys wanted. I think if you go any higher than that, you will make it look like a big wall.

Mr. Bollenbach: Let us see some renderings.

Mr. Showalter: I would like to make a comment. I want to step back a little. The neighbors all live on this small road. It is hard to park. I say this because I am involved in helping my sister with a project on her home. She lives out of State. She had one neighbor that had some issues with noise because her husband works at night. He sleeps during the day. They are trying their best. They are communicating. They are trying to appease one another and trying to keep the peace. By talking it is working. Maybe you all should talk to one another when someone is going to park there for a while like a Satellite Company or when a project is going to happen. Have some communications among one another might help things out. Maybe everyone needs to work all together. It might make things a little easier.

Robert Jones: That goes right into my final comment. I understand you saying that it is not within your control. I think that is something that really needs to get impressed. They are in a home construction. Whether you could blame the homeowner, I don't think so. It is this contractor who took this adverse approach. I could not understand how you need to get the job done, make everyone happy, get the job done, and make your money and leave. When they took that attitude, it became such a problem. Every day there were such complications.

Mr. Astorino: That is the issue that we are stressing upon the applicant. Everybody has to live there. Everybody has to get in and out of there.

Robert Jones: We are afraid it's going to be another stressed situation. Whatever contractor that gets hired, I hope would not be a complete moron and please work with the neighbors.

Emanuel Posluszny: Please could I add to that?

Mr. Astorino: Yes.

Emanuel Posluszny: When we get a pre-bid together when we have contractors come to look at the job to bid on it, we would like to invite the neighbors there to show them what will be going on.

Robert Jones: This is their business. I don't want to get involved in their business. As long as the contractor is told about the situation and problems and not to bring any problems there.

Mr. Astorino: You have the applicant basically putting an olive branch out to all of you right now. If you wish to take him up on that, I'm sure his number would be available.

Robert Jones: I understand that. I don't want it to seem that we should have control over their lives.

Mr. Astorino: At least in my eyes there is an offer made. Is there anyone else in the audience wishing to address the Bozzone application?

Maria Costa: He has legitimate concerns. There is a beef with the other neighbors.

Mr. Astorino: I have to stop you right there. That is something that doesn't pertain to the project.

Maria Costa: It is a very steep driveway. She cannot back down it like her husband use to. He is no longer with us. We don't want to hurt anyone. She just wants to be able to drive down and get her groceries out. She just wants a livable driveway. She doesn't want this big ugly thing either. We will do whatever. But, we have to compromise here.

Mr. Astorino: The bottom line is, if the contractor that is hired and does his job according to the protocol and gives respect to the people around him, I think it should be fine. I am sure that this is not the only property that has done work on this road in over the years that these homes have been there. If it works for one, it would work for the other. The Applicant's Engineer has extended an olive branch. If you want to get together with the contractor, I think it would make sense.

Maria Costa: Being disgruntle does make it hard on the contractors. Thank you.

Mr. Bollenbach: Mr. Chairman, the Board might want to consider on limiting the duration of the construction. How long will this take to build? Not to let this drag on. Normally a building permit is good for a year, then a renewal for another year. I think the Board would like to have this done in a shorter timeframe.

Mr. Showalter: Yes. Get it done.

Mr. Astorino: The Applicant is spending some money here. I'm sure they would agree with that.

Mr. Bollenbach: We could put some safeguards in place.

Emanuel Posluszny: I don't have a schedule or a timeline. These things are like erector sets. The pieces come in. They are put together. The most difficult part of the job is putting in the electrical lines and the pylons. That is the most difficult part. The rest goes up like an erector set.

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

Carl Ledesma: She had a dispute with the last contractor that went on for years.

Mr. Astorino: I think that our Attorney just pointed out that there could be a timeframe put in place. I think that would be fine. I don't think the Board would have an objection to that.

Mr. McConnell: I think I would like to get the information so we could determine what a reasonable timeframe would be. Yes, I would think that makes sense.

Emanuel Posluszny: I could supply you with a time length. That would be no problem.

Carl Ledesma: I would ask that you adjourn the public hearing.

Mr. Astorino: That will be a decision that the Board would make. Is there anyone else wishing to address the Bozzone application? Seeing that there is none, what does the Board want to do? It sounds like we have the issue with the one side of the driveway. That was our mitigation that was brought up to us by these 3 residents. The way I see it, you would be putting in a closed guiderail. I am not in favor of the fence. I think that would make it look like a monastrophy.

Mr. McConnell: I agree.

Carl Ledesma: I think I would want to do my own independent test about my view.

Mr. Astorino: You could do whatever you want. That doesn't have any bearing on us. To be honest with you, the way this project sits right now, it meets our Code. You brought this to our attention. As our Attorney had pointed out some mitigation could be put in place. You could hire whoever you want. That is your right. I am not going to accept it and say that we are going to change the Code. Right now the way this is set up on these plans, it meets the Code. You brought up this issue for some mitigation. I think the Board members would be more than happy to entertain that.

Mr. McConnell: We probably would caution you not to go onto your neighbor's property to conduct whatever tests you were talking about.

Carl Ledesma: I would like to get more information and more plans. When you did your balloon tests, did you come onto my property?

Mr. Astorino: Absolutely not. You are missing the point. We don't have to go onto your property. The Visual Analysis in our Code states from public places, roads, highways, and scenic locations. It is not from your back yard. It is not from one place on your property. It is not from one place from a neighbor's property.

Mr. Kennedy: This has been already done.

Mr. Astorino: Yes. It has. Beau just summed it up. You want to put some mitigation in, we could. I think putting in the solid guiderails makes sense. Is it going to solve the problem? No, we don't have to solve that problem. If you want to go to the ZBA and put a 12-foot fence up, you could go right ahead and do that.

Ms. Little: Mr. Chairman, if we could get a couple of different samples or ideas of the guiderails, walls, different heights and different materials so that we could see between the 3 neighbors.

Mr. Astorino: That is my concern with this. I don't know how the rest of the Board feels.

Mr. McConnell: Mr. Chairman, if it's appropriate, I would like to make a motion to adjourn the public hearing until we get the different visual samples and stuff that we talked about from the applicant and also a projection of a timeline what it is projected to take it to build. Then we could discuss it at that point at what sort of limitations would be appropriate for us to put on. It would give the neighbors enough time to see.

Mr. Astorino: No offense to the residents, but that is where I think we are getting into a bit of a sticky wick here. We are here to listen to your concerns. This one couple made a valid concern. This is going to be our call.

Mr. McConnell: I understand. I am not in the position tonight to make a decision because I can't visualize what might be different.

Mr. Astorino: This is my point. This is going to be this Board's decision.

Mr. McConnell: Understood.

Mr. Astorino: With that being said, by adjourning the public hearing, it's not going to give you much except cost to the applicant for another meeting to come back here. Do you understand what I am saying?

Mr. McConnell: What I was concerned about, thinking maybe there is another way around it. What I am thinking is to give the residents an opportunity to see that which this gentleman is going to prepare for our consideration.

Mr. Astorino: My idea was to close the public hearing. Laura and Connie are here. If they want something they could make a phone call. It wouldn't be a big deal for the Engineer to run out there with a photo to say this is what we projected. It is not what these residents want or don't want. As of now, this Board could approve this project as is. That is my opinion. I think it meets the Code. It has met all of the requirements.

Mr. McConnell: Yes.

Mr. Kennedy: It does.

Mr. Astorino: The public came. They brought up a valid point with this mitigation for their side. There are other alternatives for them also, which would be the ZBA to raise their fence or do whatever they want on their property within reason. My opinion would be to close the public hearing. If the Board wishes to take action on it, that would be fine.

Mr. McConnell: I think we got that.

Mr. Astorino: Do you? That is good.

Mr. McConnell: My opinion was that I was looking for a way in which to allow these folks to see that in which we are asking this gentleman to present to us. If there is a way to do that without a public hearing, then I would have no problem with closing the public hearing. I am just trying to give access to the information.

Mr. Astorino: Thank you. With that being said, what does the Board want to see? Do you want to see a closed guiderail?

Mr. Bollenbach: The proposal is for the Applicant to provide fencing guiderail visual mitigation to the Town Planner's specifications. Provide that to the Town Planner, also be in contact with the neighbors. There would be something that could be worked out to try to provide some sort of a reasonable visual mitigation. If that is a condition of the

Mr. Astorino: What is the Board's decision on what way you want to go with this?

Emanuel Posluszny: Could I say something before you make a decision?

Mr. Astorino: Yes.

Emanuel Posluszny: We could mitigate anything that needs to be mitigated. We did go with an 8-foot deck. The 8-foot deck wouldn't work because of the Right-Of-Way.

Mr. Astorino: Ok. What does the Board want to do? Do you want to close the public hearing with taking action? Let me know what you want to do.

Ms. Little: I think there are a lot go questions.

Mr. Showalter: I say adjourn the public hearing.

Mr. Astorino: We will need a motion. We will need to adjourn it to a date.

**Mr. McConnell makes a motion to adjourn the Public Hearing to the December 18, 2013 Planning Board meeting.**

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

Mr. Astorino: To the residents. There will be no further public notice sent out to you. This is your notice. Now the question would be, what are these renderings that you are looking for from the applicant? What do you want to direct him to do?

Mr. Bollenbach: I think Ted could be in touch with them for visual mitigation. They would need to provide some proposals and come up with some ideas.

Mr. Astorino: Ted, maybe you could give them some little direction. That way they know what is going on here.

Mr. Fink: Ok.

Mr. Bollenbach: You will need to show us something.

Emanuel Posluszny: I could do something. I will show a solid guiderail and something with space. I will get some drawings.

Mr. Showalter: The best would be for you to exchange cards with Mr. Jones and with Mr. and Mrs. Ledesma. Work with them.

Mr. Astorino: Get in touch with Ted on this matter. We will go from there.

Emanuel Posluszny: Ok. Thank you.

**Review of Submitted Maps:*****Sprint-IBM Building***

Application for Site Plan Approval for the construction and use of upgrade to existing Sprint rooftop communication equipment on top of the IBM building. Replace 6 of 10 antennas, add new cabling and associated equipment. Relocate repeater antenna, situated on tax parcel S 85 B 1 L 1.1; project located on western side of Long Meadow Road, 500±feet north of Scott Mine Road, in the LC zone, of the Town of Warwick.

Representing the applicant: Joe Papas, Applicant.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: pending
4. Architectural Review Board comments: pending
5. Wireless Telecommunication Facility Board comments: pending submittal
6. OCPD: pending submittal
7. Building Department: Open permit for Fourth Floor Addition; this permit needs to be closed out before Building Department will issue a permit for new antenna.
8. §164-79.A.(1)(a) The Planning Board must determine if additional landscaping should be installed.
9. §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.
10. §164-79.A.(3)(a) All signage, including existing, must be in compliance with §164-43.1; Applicant to add note. FCC-type RF warning signage at the entranceways to the rooftop and in proximity to the two antennas that overhang part of the roof (i.e., the western antenna array) should be installed and routinely inspected and maintained at the site by Sprint. It is the applicant's responsibility to comply with all FCC rules and regulations that are applicable to the site.
11. §164-79.A.(3)(b) Applicant to confirm if Danger-High Voltage signs are required/posted.
12. A Radio Frequency (RF) emission report shall be submitted showing compliance with FCC standards. Full outputs from the RoofView software should be submitted. It is recommended that access to rooftop areas be documented and a protocol be in place for rooftop access by persons not trained in RF operations. Such protocol shall be coordinated between the Building owner/operator and the Applicant.
13. §164-79.B(4). The Planning Board must determine if a Noise Study/Report must be prepared.
14. A structural analysis signed/sealed by a New York State Professional Engineer for each structure and each foundation at this property must be submitted. Since both the application and the drawings show the specific equipment to remain, to be removed, and to be added please provide a tabulation with equipment weights for each area of mounting on the roof, to support the statement that it is a "nominal increase of loading".
15. Provide a current Emergency Medical Service (EMS) plan, including contact information, key locations, etc.
16. The Ridgeline Overlay Notes must be added to the plan, along with the declaration information (Liber 11660, Page 1250) and date recorded (November 03, 2004).

17. Operations should be maintained in accordance with the Town's Wireless Ordinance and all other relevant Town code items. Any proposed future increases in Sprint's number of antennas, antenna sizes, or number/sizes of equipment cabinets, shall be approved by the Town prior to any modifications. Any additional equipment proposed shall also be approved by the Town prior to installation.
18. Payment of all fees.
19. 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.
20. 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).
21. 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).
22. 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:

Sprint-IBM Building – None submitted.

The following comment submitted by the ARB:

Sprint-IBM Building – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This is a Type 2 Action. It is just the placement of existing antennas on an existing structure. No SEQR review is necessary. I have prepared a Resolution for the Board's consideration.

Mr. McConnell make a motion for the Type 2 Action.

Seconded by Ms. Little. The following Resolution was carried 5-Ayes.

617.6  
State Environmental Quality Review (SEQR)

**Resolution**  
Type 2 Action

Name of Action:      IBM Sprint Antenna Upgrade

**Whereas**, the Town of Warwick Planning Board is in receipt of a Site Plan application by Sprint Corp. for a ± 68.9 acre parcel of land located at 299 Long Meadow Road, Sterling Forest, NY 10987, Town of Warwick, Orange County, New York, and

**Whereas**, an Environmental Assessment Form (EAF) dated 10/30/13 was submitted at the time of application, and

**Whereas**, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is a Type 2 Action that meets the thresholds found in 6 NYCRR 617.5(c)(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.

Joe Papas: I have some drawings to show you. Sprint has an existing facility on the rooftop of the IBM building. It is located in a complex off Long Meadow Road. It was originally built in the year 2004. Sprint has a radio equipment building. It has 3 areas with antennas. Sprint is looking to replace 6 of the 10 antennas and add new cabling and associated equipment. We will also be relocating a repeater antenna. The new cables will be fiber optic. That will be an improvement over the copper cabling that is there right now. It is an advancement in technology. There will be a new radio cabinet put into the shelter.

Comment #3: Conservation Board comments: pending

Comment #4: Architectural Review Board comments: pending

Comment #5: Wireless Telecommunication Facility Board comments: pending submittal

Comment #6: OCPD: pending submittal

Comment #7: Building Department: Open permit for Fourth Floor Addition; this permit needs to be closed out before Building Department will issue a permit for new antenna.

Joe Papas: Ok. I wasn't aware of that. That will be taken care of.

Mr. Astorino: I think all of these comments are pretty much standard. Laura, do you have any that stick out at you?

Laura Barca: Joe, do you have any questions on the comments?

Joe Papas: Just that Comments, 8, 9, 10, 11, 13, and 19 through 22 are all in the Code for a requirement for a special use permit.

Mr. McConnell: This isn't a special use permit.

Connie Sardo: This application is just for site plan approval.

Joe Papas: Correct.

Laura Barca: Comment #8 talks about if the Planning Board would want additional landscaping.

Mr. Astorino: I don't think we want that on a rooftop.

Mr. Showalter: No.

Mr. Bollenbach: On Comment #8, we could add to that it is not required. Just to address your comment. This is not technically a special use permit. However, it would still have to address the criteria for the site plan and the special use. Since it is a facility being located on an existing structure, we are giving you the benefit of a lesser level of review. We are handling it as a site plan. But the special use criteria still applies.

Joe Pappas: Ok.

Mr. Bollenbach: It is criteria to be incorporated. I believe it already has.

Joe Papas: Right.

Mr. Bollenbach: In some places it says that this is a special use that is only valid for 5-years. This is just a site plan. But, it is that same approval. I just wanted to make a clarification on that.

Joe Papas: Ok.

Mr. Astorino: Ok. Let us list Comments 7 through 22 for the record.

Comment #8: §164-79.A.(1)(a) The Planning Board must determine if additional landscaping should be installed.

Comment #9: §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 #10: §164-79.A.(3)(a) All signage, including existing, must be in compliance with §164-43.1; Applicant to add note. FCC-type RF warning signage at the entranceways to the rooftop and in proximity to the two antennas that overhang part of the roof (i.e., the western antenna array) should be installed and routinely inspected and maintained at the site by Sprint. It is the applicant's responsibility to comply with all FCC rules and regulations that are applicable to the site.

Comment #11: §164-79.A.(3)(b) Applicant to confirm if Danger-High Voltage signs are required/posted.

Comment #12: A Radio Frequency (RF) emission report shall be submitted showing compliance with FCC standards. Full outputs from the RoofView software should be submitted. It is recommended that access to rooftop areas be documented and a protocol be in place for rooftop access by persons not trained in RF operations. Such protocol shall be coordinated between the Building owner/operator and the Applicant.

Comment #13: §164-79.B(4). The Planning Board must determine if a Noise Study/Report must be prepared.

Comment #14: A structural analysis signed/sealed by a New York State Professional Engineer for each structure and each foundation at this property must be submitted. Since both the application and the drawings show the specific equipment to remain, to be removed, and to be added please provide a tabulation with equipment weights for each area of mounting on the roof, to support the statement that it is a “nominal increase of loading”.

Comment #15: Provide a current Emergency Medical Service (EMS) plan, including contact information, key locations, etc.

Comment #16: The Ridgeline Overlay Notes must be added to the plan, along with the declaration information (Liber 11660, Page 1250) and date recorded (November 03, 2004).

Comment #17: Operations should be maintained in accordance with the Town’s Wireless Ordinance and all other relevant Town code items. Any proposed future increases in Sprint’s number of antennas, antenna sizes, or number/sizes of equipment cabinets, shall be approved by the Town prior to any modifications. Any additional equipment proposed shall also be approved by the Town prior to installation.

Comment #18: Payment of all fees.

Comment #19: 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 #20: 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 #21: 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 #22: 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. Bollenbach: Would the applicant like to request a waiver of a public hearing?

Joe Papas: Yes.

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

Seconded by Ms. Little. Motion carried; 5-Ayes.

Mr. Kennedy makes a motion on the Sprint-IBM Building application, granting Site Plan Approval for the construction and use of upgrade to existing Sprint rooftop communication equipment on top of the IBM building. Replace 6 of 10 antennas, add new cabling and associated equipment. Relocate repeater antenna, situated on tax parcel S 85 B 1 L 1.1; project located on the western side of Long Meadow Road, 500± feet north of Scott Mine Road, in the LC zone, of the Town of Warwick, County of Orange, State of New York. A Type 2 Action was adopted on November 20, 2013. Approval is granted subject to the following conditions:

1. Building Department: Open permit for Fourth Floor Addition; this permit needs to be closed out before Building Department will issue a permit for new antenna.
2. §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.
3. §164-79.A.(3)(a) All signage, including existing, must be in compliance with §164-43.1; Applicant to add note. FCC-type RF warning signage at the entranceways to the rooftop and in proximity to the two antennas that overhang part of the roof (i.e., the western antenna array) should be installed and routinely inspected and maintained at the site by Sprint. It is the applicant's responsibility to comply with all FCC rules and regulations that are applicable to the site.
4. §164-79.A.(3)(b) Applicant to confirm if Danger-High Voltage signs are required/posted.
5. A Radio Frequency (RF) emission report shall be submitted showing compliance with FCC standards. Full outputs from the Roof View software should be submitted. It is recommended that access to rooftop areas be documented and a protocol be in place for rooftop access by persons not trained in RF operations. Such protocol shall be coordinated between the Building owner/operator and the Applicant.
6. A structural analysis signed/sealed by a New York State Professional Engineer for each structure and each foundation at this property must be submitted. Since both the application and the drawings show the specific equipment to remain, to be removed, and to be added please provide a tabulation with equipment weights for each area of mounting on the roof, to support the statement that it is a "nominal increase of loading".
7. Provide a current Emergency Medical Service (EMS) plan, including contact information, key locations, etc.
8. The Ridgeline Overlay Notes must be added to the plan, along with the declaration information (Liber 11660, Page 1250) and date recorded (November 03, 2004).
9. Operations should be maintained in accordance with the Town's Wireless Ordinance and all other relevant Town code items. Any proposed future increases in Sprint's number of antennas, antenna sizes, or number/sizes of equipment cabinets, shall be approved by the Town prior to any modifications. Any additional equipment proposed shall also be approved by the Town prior to installation.
10. Payment of all fees.
11. In accordance with §164-86.C, the Site Plan Special Use Permit is valid for 5 years. At that time, the Site Plan Special Use Permit must either be renewed before the Planning Board or the tower removed.
12. The tower owner, holder of the Site Plan 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).
13. The tower owner, holder of the Site Plan Special Use Permit, shall be structurally inspect the tower annually; this report shall be certified by a Professional Engineer (§164-83.B).

14. After Planning Board Approval of a Site Plan 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. McConnell. Motion carried; 5-Ayes.

Joe Papas: Thank you.

**Other Considerations:**

1. Planning Board to discuss canceling the 11/25/13 Work Session & 12/4/13 PB Meeting.

Mr. McConnell makes a motion to cancel the 11/25/13 Work Session & 12/4/13 Planning Board Meeting.

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

2. **HOMARC**- Planning Board to accept the DEIS for review.

Mr. Fink: This is just for review. There is 45 days now before we would have to give an answer that if it is complete.

Mr. Astorino: We will want to do a Joint Meeting with the ARB. Maybe we could do that before our next Work Session at 6:30p.m. We could do the first hour with the ARB. We will figure that out if that would be a good time.

Mr. McConnell: Has the ARB seen this? I thought there were pictures in here.

Mr. Astorino: They had seen their first renderings. It was like a sketch drawing from their Architect. We wanted to get some direction first.

Mr. McConnell: I remember that.

Mr. Astorino: We will get a Joint Meeting together.

Connie Sardo: Do you want to do the Joint Meeting on 12/9/13 before the Work Session?

Mr. Astorino: I don't know. We will decide.

Mr. Fink: I would say we do it when we have our first meeting in January.

Connie Sardo: It would be at our 2<sup>nd</sup> meeting in January.

Mr. Astorino: We don't have to set that now.

**Correspondences:**

1. **Pine Island Fire District EMS Cell Tower** – Planning Board to discuss Pine Island Fire District Intent to be SEQR Lead Agency for the construction and use of an EMS cell tower at the Pine Island Firehouse. PB to discuss letter from EBI Consulting, dated 11/12/13.

Mr. Astorino: We have that in our packets.

Mr. Fink: They circulated to the Planning Board and other Agencies as far as Lead Agency is concerned. This is for us to send to them regarding the Intent to be SEQR Lead Agency for the Coordinated SEQR review of the proposed AT&T Telecommunications Facility.

Ms. Little makes a motion to send the letter addressed to the Pine Island Fire District regarding Coordinated SEQR review of the proposed AT&T Telecommunications Facility.

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

2. Letter from Carl & Jennifer Ledesma addressed to PB, received date 11/19/13.

Mr. Astorino: We have that letter in our packets. That was regarding the Bozzone project. I mentioned that letter earlier.

**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 20, 2013 Planning Board meeting.**

Seconded by Ms. Little. Motion carried; 5-Ayes.