

TOWN OF WARWICK PLANNING BOARD

December 1, 2010

Members present: Chairman, Benjamin Astorino
Dennis McConnell
Roger Showalter, Carl Singer
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, December 1, 2010 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.

Review of Submitted Maps:

United Methodist Church and McFarland Lot Line Change

Application for Sketch Plat Review of a proposed Lot Line Change, situated on tax parcels S 54 B 1 L 2 and S 54 B 1 L 25.1; parcels located on the northern side of Forester Ave 200 feet north of State Highway 17A & Campsite Way, in the SL zone, of the Town of Warwick.

Representing the applicant: Bob Krahulik, Attorney.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 11/29/10 - No comments at this time.
4. Architectural Review Board comments: pending
5. OCPD: pending.
6. A note should be added to the plan stating that no construction is being proposed, only the transfer of land ownership without the creation of a new tax lot.
7. The Application Form lists tax lots 54-1-2 and 54-1-25.1, but the two tax lots are actually 54-1-2.2 and 54-1-25.13; the application should be revised.
8. The Application Form lists the church's contiguous property in the Village as 214-7-2; the correct tax id number is 214-7-2.2; application should be revised.
9. Sketch Plan Checklist F: No deeds were submitted.
10. Sketch Plan Checklist I.6: A table showing the five overlay districts should be added to the plan; this project area is within the following overlays: Aquifer, Traditional Neighborhood, and Biodiversity.
11. The agricultural notes must be added because there are farms within less than 2,000-ft. of proposed action.
12. Sketch Plan Checklist I.8: a bulk table should be added showing the zone and use group.

13. Sketch Plan Checklist I.9: general site conditions are not shown (trees, structures, stone walls, etc.).
14. Sketch Plan Checklist I.10: topography has not been shown.
15. Sketch Plan Checklist I.11: wetlands, flood plains, bodies of water in the immediate area of the lot line change.
16. Sketch Plan Checklist I.13: soil types are not shown.
17. Sketch Plan Checklist I.14: areas of 15% or more grade is not shown.
18. Sketch Plan Checklist I.18: the lots are not shown to comply with the square rule.
19. Sketch Plan Checklist I.19: sight distances are not shown.
20. Are Donald and Warren McFarland the owners of 54-1-25.13? If so, both should be listed as owners and sign the application form.
21. Any existing wells or septic systems within 200-ft should be shown or stated that there are none.
22. The declaration information (liber and page) for the Agricultural and Aquifer Notes will need to be shown on the drawing.
23. Surveyor to certify that iron rods have been set at all property corners.
24. Payment of all fees.

The following comments submitted by the Conservation Board:

United Methodist Church and McFarland Lot Line Change – None submitted.

The following comments submitted by the ARB:

United Methodist Church and McFarland Lot Line Change – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The applicant has submitted a short EAF to the Planning Board. It is an Unlisted Action. There are no other involved agencies. The Planning Board could go ahead and declare itself Lead Agency tonight.

Mr. Singer makes a motion for Lead Agency.

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

617.6

State Environmental Quality Review (SEQR)
Resolution Establishing Lead Agency
Unlisted Action Undergoing Uncoordinated Review

Name of Action: United Methodist Church Lot Line Change

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by Leyland Development Corp. for a \pm 0.5 acre parcel of land located at Forester Avenue, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 8/11/10 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 an Unlisted action, and

Whereas, the Planning Board has determined that the proposed project is within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) apply meaning that an Agricultural Data Statement must be filed, forwarded to the owners of all farm operations within 500 feet of the site and then considered by the Planning Board, 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 itself Lead Agency for the review of this action.

Be It Further Resolved, that a Determination of Significance will be made at such time as all information has been received by the Planning Board to enable it to determine whether the action will or will not have a significant effect on the environment.

Comment #2: Applicant to discuss project.

Bob Krahulik: This application involves cleaning up one loose end in connection with the development of the Warwick Grove subdivision. At the time the Warwick Grove subdivision was approved, an entranceway now known as McFarland Drive was proposed and approved in the Village of Warwick. In order to create McFarland Drive, a land swap was arranged between the church, McFarland family, and Warwick Grove. That allowed the connection from Forester Avenue extending adjacent to the baseball field all the way over to the Warwick Grove project. The church had to give up a small sliver of land in order to accommodate Warwick Grove. In exchange for giving up that land, they are acquiring from McFarland a small sliver of land that is now subject of the lot line change that is before you. All prior work and applications were before the Village of Warwick. There is just only this one sliver of land that lies within the Town of Warwick. That is why we are before you tonight. There is no improvement to the land proposed. There is no disturbance of any lands proposed. It is a very modest application. Unless there are concerns raised in the engineering comments tonight, I would request that the Planning Board waive a public hearing on this application and consider final approval.

Comment #3: Conservation Board comments: 11/29/10 - No comments at this time.

Comment #4: Architectural Review Board comments: pending

Laura Barca: There are no comments from the ARB at this time.

Mr. Bollenbach: If the Board decides to move forward on this application, there is no construction proposed. I don't think it would be within the ARB's purview to begin with. Also, regarding subsequent comments regarding OCPL, if you have a super majority, you could override any comments that they might have. It is just a lot line change.

Mr. Astorino: Right. There is really nothing proposed.

Comment #5: OCPD: pending.

Mr. Astorino: We don't have to worry about that.

Mr. McConnell: Mr. Chairman, could I ask a question?

Mr. Astorino: Yes.

Mr. McConnell: I am a little puzzled here. Why is this application made by Leyland Development?

Bob Krahulik: They are the agents.

Mr. McConnell: Is it because they would pay the fees?

Bob Krahulik: Yes.

Mr. McConnell: They don't seem to be a party in interest here.

Bob Krahulik: They are not with this sliver of land. They were very much so with the land that they acquired.

Mr. McConnell: I understand that part of it. But, I didn't understand by looking at this application.

Mr. Astorino: It seems like they are picking up the tab.

Mr. McConnell: It was just interesting that they were the applicant rather than just making an arrangement off the record to pay the fees and so on. You are telling this Board that Leyland Development has no other interest in this except to facilitate that which was begun when Warwick Grove was being done.

Bob Krahulik: I would look at Warwick Grove as the engineer or agent of McFarland and the church.

Mr. McConnell: Ok. Thank you.

Comment #6: A note should be added to the plan stating that no construction is being proposed, only the transfer of land ownership without the creation of a new tax lot.

Bob Krahulik: Will do.

Mr. Bollenbach: We will need to add to that comment. Add to comment #6, and provide new deeds.

Comment #7: The Application Form lists tax lots 54-1-2 and 54-1-25.1, but the two tax lots are actually 54-1-2.2 and 54-1-25.13; the application should be revised.

Bob Krahulik: Will do.

Comment #8: The Application Form lists the church's contiguous property in the Village as 214-7-2; the correct tax id number is 214-7-2.2; application should be revised.

Bob Krahulik: Will do.

Comment #9: Sketch Plan Checklist F: No deeds were submitted.

Bob Krahulik: I will submit the deeds for Mr. Bollenbach's review.

Mr. Bollenbach: Bob, that will be the deeds for the current ownership.

Bob Krahulik: Ok.

Comment #10: Sketch Plan Checklist I.6: A table showing the five overlay districts should be added to the plan; this project area is within the following overlays: Aquifer, Traditional Neighborhood, and Biodiversity.

Bob Krahulik: Ok.

Comment #11: The agricultural notes must be added because there are farms within less than 2,000-ft. of proposed action.

Bob Krahulik: Ok.

Comment #12: Sketch Plan Checklist I.8: a bulk table should be added showing the zone and use group.

Bob Krahulik: Ok.

Comment #13: Sketch Plan Checklist I.9: general site conditions are not shown (trees, structures, stone walls, etc.).

Bob Krahulik: We ask to waive that.

Laura Barca: The next couple of comments are no problem.

Mr. Astorino: Ok. We will strike comments #13 and #14 for the record.

Comment #14: Sketch Plan Checklist I.10: topography has not been shown.

Comment #15: Sketch Plan Checklist I.11: wetlands, flood plains, bodies of water in the immediate area of the lot line change.

Mr. Astorino: We could strike comment #15 for the record.

Comment #16: Sketch Plan Checklist I.13: soil types are not shown.

Mr. Astorino: We could strike comment #16 for the record.

Comment #17: Sketch Plan Checklist I.14: areas of 15% or more grade is not shown.

Mr. Astorino: We could strike comment #17 for the record.

Comment #18: Sketch Plan Checklist I.18: the lots are not shown to comply with the square rule.

Mr. Astorino: They are pre-existing lots. We could strike comment #18 for the record.

Comment #19: Sketch Plan Checklist I.19: sight distances are not shown.

Mr. Astorino: We could strike comment #19 for the record.

Comment #20: Are Donald and Warren McFarland the owners of 54-1-25.13? If so, both should be listed as owners and sign the application form.

Bob Krahulik: I will investigate that when I provide Mr. Bollenbach with the deed. If they are both entitled, the revised application will include both owners signatures.

Mr. Astorino: Ok.

Comment #21: Any existing wells or septic systems within 200-ft should be shown or stated that there are none.

Bob Krahulik: We will provide that.

Comment #22: The declaration information (liber and page) for the Agricultural and Aquifer Notes will need to be shown on the drawing.

Bob Krahulik: Ok.

Comment #23: Surveyor to certify that iron rods have been set at all property corners.

Bob Krahulik: Do we need that?

Mr. Bollenbach: Yes. Comment #23 could read as follows; surveyor to certify that iron rods have been set to Planning Board Engineer's specifications.

Bob Krahulik: Ok. Will do.

Comment #24: Payment of all fees.

Bob Krahulik: Ok. We will pay all fees.

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

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

Mr. Showalter makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: United Methodist Church Re-Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed Lot Line Alternation (Re-Subdivision) between two existing lots of record, Town of Warwick, Orange County, New York, and

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

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 8/11/10, 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. Showalter makes a motion on the United Methodist Church and McFarland application, granting Final Approval for a proposed Lot Line Change, situated on tax parcels S 54 B 1 L 2 and S 54 B 1 L 25.1; parcels located on the northern side of Forester Ave., 200 feet north of State Highway 17A & Campsite Way, in the SL zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on, December 1, 2010. Approval is granted subject to the following conditions:

1. A note should be added to the plan stating that no construction is being proposed, only the transfer of land ownership without the creation of a new tax lot. Provide new deeds.
2. The Application Form lists tax lots 54-1-2 and 54-1-25.1, but the two tax lots are actually 54-1-2.2 and 54-1-25.13; the application should be revised.
3. The Application Form lists the church's contiguous property in the Village as 214-7-2; the correct tax id number is 214-7-2.2; application should be revised.
4. Sketch Plan Checklist F: No deeds were submitted.
5. Sketch Plan Checklist I.6: A table showing the five overlay districts should be added to the plan; this project area is within the following overlays: Aquifer, Traditional Neighborhood, and Biodiversity.
6. The agricultural notes must be added because there are farms within less than 2,000-ft. of proposed action.
7. Sketch Plan Checklist I.8: a bulk table should be added showing the zone and use group.
8. Are Donald and Warren McFarland the owners of 54-1-25.13? If so, both should be listed as owners and sign the application form.
9. Any existing wells or septic systems within 200-ft should be shown or stated that there are none.
10. The declaration information (liber and page) for the Agricultural and Aquifer Notes will need to be shown on the drawing.
11. Surveyor to certify that iron rods have been set to Planning Board Engineers specifications.
12. Payment Of All Fees.

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

Bob Krahulik: Thank you.

Gary and Katherine Randall Subdivision #4

Application for Sketch Plat Review of a proposed 3-Lot (**MINOR**) subdivision, situated on tax parcel S 19 B 1 L 47.2; parcel located on the western side of State Highway 94 whereas driveway is 500 feet north of Minturn Road, in the MT zone, of the Town of Warwick.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Gary and Katherine Randall, applicants.

The following comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 11/29/10 - No comments at this time.
4. Architectural Review Board comments: pending
5. Building Department – no existing violations (11/12/10)
6. OCPD: pending.
7. The EAF gives the amount of land affected as 0.49-acres initially and ultimately. It should be clarified what this 0.49 acres is referring to; the lot area is 57.3 acres.
8. Sketch Plan Checklist F: No deeds were submitted.
9. Sketch Plan Checklist I.11: wetlands, flood plains, bodies of water in the immediate area of the lot line change. If there are none, a note should be added to the plan.
10. Sketch Plan Checklist I.14: areas of 15% or more grade does not appear to be shown.
11. Sketch Plan Checklist I.19: sight distances are not shown at Route 94.
12. The driveway currently services one residential home (Lot 2) and access to a wireless telecommunications facility WTF (lot 3). Previously the Planning Board approved a guest home, which will now be located on Lot 1. This application is proposing a home on Lot 3. Although the increase in potential traffic is not significant, the applicant is proposing turnouts every approximately 250 to 300-ft along the existing 10 to 12-ft wide driveway. A detail for the turnout should be included in the plan set.
13. A note should be added to the plan stating that this plan does not comply with the requirements for the width of the driveway for access to three residential homes; however given the existing width and generally good condition of the driveway, the applicant may proceed with only adding the turnouts to the plan. If any additional use (besides the three residential homes and WTF) is added to this original 57.3 acre parcel, the driveway would have to be modified as required by the Town Code, unless otherwise approved by the Planning Board.
14. The fall zone for the tallest part of the cell tower should be added to the plan set.
15. Additional details of the existing wireless facility and turnaround areas should be added to the plans.
16. The approximate location of the utility lines for the WTF should be shown on the plan.
17. Sheet 1, General Note 13 should reference NYSDOT and not TW DPW.
18. Please submit a copy of the signed map that allowed the guest house on Lot 3.
19. Please submit a copy of the signed map that allowed the WTF on Lot 1.
20. The top of wall and bottom of wall elevations should be shown; only TW are currently shown (Sheet 2, Lot 1).
21. An engineered plan for the retaining wall must be completed prior to a building permit being issued.
22. Sheet 2: The sewer pipe sleeve should be detailed as concrete.

23. Sheet 2: The elevations of the sewer pipe sleeves should be shown.
24. Sheet 2, Test Pit 3, the depth of the third soil description should read 18 to 54” not 30 to 54.”
25. Sheet 4: The driveway profile should be labeled in this detail.
26. Sheet 4: The location of the swale should be moved upgradient to divert the surface water flow around the house, the well, and retaining wall. The swale should not direct water flow toward the septic system or the cell tower facility.
27. A detail for the swale should be provided demonstrating that the surface water flow to the swale is being properly managed.
28. Sheet 4: The modular retaining wall detail appears to show the detail of the sewer pipe sleeve under the wall; the sewer pipe sleeve detail should be made its own detail.
29. Sheet 4: Driveway detail note 3 states that Lot 1 will only be paved for 25-ft; all flag lot driveways shall be paved in their entirety (see Sheet 2, driveway note 1).
30. The declaration information (liber and page) for the Agricultural Notes will need to be shown on the drawing because there are farming operations within 200-ft.
31. Surveyor to certify that iron rods have been set at all property corners.
32. Payment of all fees.

The following comment submitted by the Conservation Board:

Gary and Katherine Randall Subdivision #4 – None submitted.

The following comment submitted by the ARB:

Gary and Katherine Randall Subdivision #4 – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The applicant has submitted a short EAF to the Planning Board. It is an Unlisted Action. There are no other involved agencies. There are a number of SEQR comments in the review comments tonight. The Planning Board could go ahead and declare itself Lead Agency.

Mr. Singer makes a motion for Lead Agency.

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

617.6

State Environmental Quality Review (SEQR)
Resolution Establishing Lead Agency
Unlisted Action Undergoing Uncoordinated Review

Name of Action: Randall 4 Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by Gary & Katherine Randall for a ± 57.3 acre

Whereas, an Environmental Assessment Form (EAF) dated 11/10/10 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 an Unlisted action, and

Whereas, the Planning Board has determined that the proposed project is within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) apply meaning that an Agricultural Data Statement must be filed, forwarded to the owners of all farm operations within 500 feet of the site and then considered by the Planning Board, 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 itself Lead Agency for the review of this action.

Be It Further Resolved, that a Determination of Significance will be made at such time as all information has been received by the Planning Board to enable it to determine whether the action will or will not have a significant effect on the environment.

Comment #2: Applicant to discuss project.

Dave Getz: The Randall's live on the site. The site includes approximately 57 acres with access from a common driveway off State Highway 94. We were before the Planning Board approximately 2 years ago for site plan approval for a guesthouse on the same property. The guesthouse was approved. That is under construction at this time. This current application is for a third residential use on the property and for a 3-lot subdivision. A proposed house would get access from the existing common driveway and the driveway that leads to the cell tower that is located near the proposed house. From that driveway, a short new driveway is proposed. Out of the 57 acres, there is very little disturbance proposed. There would only be about ½-acre disturbance proposed for this application. It would be a 3-lot subdivision. We would propose it under the Conservation Density subdivision section. There will be a note on the plan for no further subdivision. There would also be a quite extensive conservation open area reserved.

Comment #3: Conservation Board comments: 11/29/10 - No comments at this time.

Comment #4: Architectural Review Board comments: pending

Laura Barca: There are no comments from the ARB.

Comment #5: Building Department – no existing violations (11/12/10)

Comment #6: OCPD: pending.

Comment #7: The EAF gives the amount of land affected as 0.49-acres initially and ultimately. It should be clarified what this 0.49 acres is referring to; the lot area is 57.3 acres.

Dave Getz: Ok. It is the actual area of construction.

Comment #8: Sketch Plan Checklist F: No deeds were submitted.

Dave Getz: We will submit that.

Comment #9: Sketch Plan Checklist I.11: wetlands, flood plains, bodies of water in the immediate area of the lot line change. If there are none, a note should be added to the plan.

Mr. Bollenbach: This is not a lot line change. It is the area of the subdivision.

Dave Getz: Do you mean the area of the proposed construction?

Mr. Bollenbach: Yes.

Dave Getz: There are no wetlands or flood plains. It is high and dry.

Mr. Astorino: Ok.

Comment #10: Sketch Plan Checklist I.14: areas of 15% or more grade does not appear to be shown.

Dave Getz: We will show that. We don't have a detailed topography for the whole 57 acres. If we show it in our blowup of the proposed construction area, would that be acceptable?

Laura Barca: Yes.

Comment #11: Sketch Plan Checklist I.19: sight distances are not shown at Route 94.

Dave Getz: We will add that.

Comment #12: The driveway currently services one residential home (Lot 2) and access to a wireless telecommunications facility WTF (lot 3). Previously the Planning Board approved a guest home, which will now be located on Lot 1. This application is proposing a home on Lot 3. Although the increase in potential traffic is not significant, the applicant is proposing turnouts every approximately 250 to 300-ft along the existing 10 to 12-ft wide driveway. A detail for the turnout should be included in the plan set.

Dave Getz: We will add the detail. The existing WTF is located on lot #1. The existing guesthouse is located on lot #3.

Comment #13: A note should be added to the plan stating that this plan does not comply with the requirements for the width of the driveway for access to three residential homes; however given the existing width and generally good condition of the driveway, the applicant may proceed with only adding the turnouts to the plan. If any additional use (besides the three residential homes and WTF) is added to this original 57.3 acre parcel, the driveway would have to be modified as required by the Town Code, unless otherwise approved by the Planning Board.

Dave Getz: Ok.

Mr. Bollenbach: Comment #13 would also be subject to a waiver from the Planning Board.

Mr. Astorino: Ok.

Comment #14: The fall zone for the tallest part of the cell tower should be added to the plan set.

Dave Getz: We will do that. Unless Ted or Laura wants to go through any of the rest of these comments, we are ok with the rest of the comments #15 through #32.

Mr. Astorino: Ok. We will list comments #15 through #32 for the record.

Comment #15: Additional details of the existing wireless facility and turnaround areas should be added to the plans.

Comment #16: The approximate location of the utility lines for the WTF should be shown on the plan.

Comment #17: Sheet 1, General Note 13 should reference NYSDOT and not TW DPW.

Comment #18: Please submit a copy of the signed map that allowed the guest house on Lot 3.

Comment #19: Please submit a copy of the signed map that allowed the WTF on Lot 1.

Comment #20: The top of wall and bottom of wall elevations should be shown; only TW are currently shown (Sheet 2, Lot 1).

Comment #21: An engineered plan for the retaining wall must be completed prior to a building permit being issued.

Comment #22: Sheet 2: The sewer pipe sleeve should be detailed as concrete.

Comment #23: Sheet 2: The elevations of the sewer pipe sleeves should be shown.

Comment #24: Sheet 2, Test Pit 3, the depth of the third soil description should read 18 to 54" not 30 to 54."

Comment #25: Sheet 4: The driveway profile should be labeled in this detail.

Comment #26: Sheet 4: The location of the swale should be moved upgradient to divert the surface water flow around the house, the well, and retaining wall. The swale should not direct water flow toward the septic system or the cell tower facility.

Comment #27: A detail for the swale should be provided demonstrating that the surface water flow to the swale is being properly managed.

Comment #28: Sheet 4: The modular retaining wall detail appears to show the detail of the sewer pipe sleeve under the wall; the sewer pipe sleeve detail should be made its own detail.

Comment #29: Sheet 4: Driveway detail note 3 states that Lot 1 will only be paved for 25-ft; all flag lot driveways shall be paved in their entirety (see Sheet 2, driveway note 1).

Comment #30: The declaration information (liber and page) for the Agricultural Notes will need to be shown on the drawing because there are farming operations within 200-ft.

Comment #31: Surveyor to certify that iron rods have been set at all property corners.

Comment #32: Payment of all fees.

Mr. Bollenbach: Does the Planning Board want to schedule a site visit?

Mr. Astorino: Is there a need for a site visit?

Dave Getz: I don't think so.

Laura Barca: I have been there and witnessed the soil test.

Mr. Astorino: It's pretty straight forward. Is that correct?

Laura Barca: Yes.

Mr. Astorino: Ok. I don't think there is a need to do a site visit. Does the Board or Professionals have anything further?

Dave Getz: Does this require to have a public hearing?

Mr. Astorino: We request to be set for a public hearing.

Mr. McConnell makes a motion to set the Gary and Katherine Randall Subdivision #4 for a Final Public Hearing at the next available agenda.

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

Dave Getz: Thank you.

Other Considerations:

1. Planning Board to discuss cancelling the 12/27/10 Work Session & 1/5/11 Planning Board Meeting due to the Christmas & New Year Holidays.

Mr. McConnell makes a motion to cancel the 12/27/10 Work Session and the 1/5/11 Planning Board meeting.

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

2. Planning Board to discuss the Richard Brady Subdivision regarding recommendation to the Town Board for opting into the AP-O District and to discuss recommendation letter to the ZBA for 2 variances from the Pl Bd.

Connie Sardo: The part about doing a recommendation letter to the ZBA has been done already.

Mr. Bollenbach: Ted and Laura went out to the site. They might have a few comments regarding the AP-O District.

Mr. Fink: We did go out there with the checklist. It looked like that it had met the guidelines.

Mr. Astorino: Ok. It looks like this is a no brainer anyway.

Laura Barca: The soils as per the Town Code are not listed as suitable for a septic system. The applicant's engineer has been out there and done perc tests, which are acceptable.

Mr. Astorino: They would have to follow the poor soils protocol.

Laura Barca: Yes. They would need to do the poor soils protocol before we would recommend them to the Town Board.

Mr. Astorino: So, you want to wait for that.

Mr. Bollenbach: I would suggest that we wait on that.

Mr. Astorino: Ok. We will wait on that.

3. **Lands of Mongelluzzo** – Letter from Kirk Rother, Engineer, dated 11/10/10 received on 11/18/10 by fax addressed to the Planning Board in regards to Lands of Mongelluzzo – requesting a 6th 6-Month Extension on Preliminary Approval of a proposed 2-Lot cluster subdivision, situated on tax parcel SBL # 31-2-44.32; parcel located on the southeasterly side of Ackerman Road 1200± feet off of the intersection of Kings Highway (C.R. 13), in the RU zone, of the Town of Warwick. Preliminary Approval was granted on 11/21/07. *The applicant's engineer has stated that the project has now received the NYSDEC Stream-Crossing Permit effective date 7/23/10 and they anticipate submitting the application for final approval in the near future.* The 6th 6th-Month Extension becomes effective on, 11/21/10.

Mr. McConnell: Is this the project that is right across the street?

Mr. Astorino: Yes. We have the DEC Stream-Crossing Permit in our packets.

Mr. McConnell: Ok. They needed to get the DEC Stream-Crossing Permit.

Mr. McConnell makes a motion on the Lands of Mongelluzzo application, granting granted a 6th 6-Month Extension on Preliminary Approval of a proposed 2-Lot cluster subdivision, SBL # 31-2-44.32. Preliminary Approval was granted on, 11/21/07. The 6th 6-Month Extension becomes effective on, 11/21/10.

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

4. **Planning Board Minutes of 11/17/10** – Planning Board Minutes of 11/17/10 for Planning Board's Approval.

Mr. McConnell makes a motion to Approve the 11/17/10 Planning Board minutes.

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

Correspondences:

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

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

Mr. Astorino: If there is anyone in the audience wishing to address any of the agenda items, please rise and state your name for the record. Let the record show no public comment. Just before we adjourn tonight's meeting, I just want to inform the Board that we had a meeting tonight about the Edsall Farm subdivision. The Edsall Farm subdivision will be coming back before the Planning Board. They will be re-submitting and starting from square one with the project. They will be changing the plans to conform to the new codes. They will have to follow the new cluster guidelines, stormwater, etc...

Mr. Singer: What about all the caves there?

Mr. Astorino: We mentioned that. The caves have been delineated. They have the letters. Ted, I think they have done a Phase II.

Mr. Fink: Yes. They have done a Phase II.

Mr. Astorino: They will be providing us with all that information. They will be getting us up to speed on where they are.

Mr. Showalter: The last time we had seen that project was about 3 years ago.

Mr. Astorino: It has been a long time. We would probably do another site visit out to the Edsall Farm. Their layout might be changed.

Mr. Singer: When we do the site visit, would they have their caves delineated?

Mr. Astorino: We could ask them about that. I just wanted to give you a heads up on that regarding the Edsall Farm subdivision. The other item I want to talk about is that winter is approaching. Ted, you live the furthest away. We usually like to call the meetings by 4:00 p.m. if there is a snowstorm or something. Usually by 4:00 p.m. if the weather is bad, I will notify our secretary, she will call the Board, and Professionals if a meeting would be cancelled or not due to inclement weather and the applicants would be notified as well.

Mr. Bollenbach: I would like to add one more item. I believe Connie had included the Grandfathered Resolution by the Town Board. There were only four Planning Board applications that received preliminary approval. Those four applications will be grandfathered and eligible to proceed under the prior Zoning. There are timelines involved with that. They would have to exercise due diligence. All of those subdivisions, not only the preliminary approved ones but the condition of final approval subdivisions, would actually have to be filed within two years and one month.

Mr. Singer: Who are the four-grandfathered subdivisions?

Mr. Astorino: The four grandfathered subdivisions are as follows; Warwick Isle, Mongelluzzo, Millers Ridge and Wheeler Road Estates. They would all have to comply with the low impact stormwater.

Mr. McConnell: John, the affect to them is that they keep their lot count.

Mr. Bollenbach: Yes. Only to the extent of the yield lot count. Otherwise, all other conditions have to be satisfied.

Mr. McConnell: It would be all of the other newer conditions.

Mr. Astorino: Yes. Like the low impact design. That would all have to comply with that.

Mr. McConnell: Ok. I just wanted to make sure that I understood that.

Mr. Astorino: Ok. Does the Board or Professionals have anything else?

Mr. McConnell makes a motion to adjourn the December 1, 2010 Planning Board meeting.

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