

TOWN OF WARWICK PLANNING BOARD

December 3, 2014

Members present: Chairman, Benjamin Astorino
Roger Showalter, Vice-Chairman
Dennis McConnell, Beau Kennedy,
Christine Little, John MacDonald, 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, December 3, 2014 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:

Frozen Ropes – The Yard

Application for Site Plan Approval and Special Use Permit for the construction and use of conversion of existing property use from Correctional Facility to Outdoor Amusement (88), situated on tax parcels S 46 B 1 L 9.2 and L 34; project located on the eastern side of State School Road 3200 feet south of Kings Highway (the old prison site), in the OI zone, of the Town of Warwick.

Representing the applicant: Jay Samuelson from Engineering & Surveying Property.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – 12/03/14 no comments
4. Architectural Review Board – pending comments
5. OC Planning Department – pending submittal
6. TW Building Department – 11/14/14 violation for no change of use for Transtech building, which is currently partly on the same tax lot the proposed Frozen Ropes
7. ZBA: variances were recently granted and are current; however, variances must be shown on the plans.
8. NYSDEC: clarify if there are any concerns with the minimal wetland buffer disturbance
9. The deed for the property must be submitted.
10. The Agricultural Data Statement and Short EAF need to be signed and dated by the Applicant.
11. 9-1-1 address must be shown for all buildings, as appropriate.
12. Applicant to clarify if indoor and outdoor activities will have different hours of operation.

13. A Demolition Plan for buildings, pavements, utility poles, sidewalks, etc., shall be prepared, including the area of disturbance and how the water and sewer lines will be abandoned and/or removed.
14. The Demolition Plan shall call out the area of disturbance; this project shall be in compliance with the relevant sections of §164-47.10 Stormwater.
15. A Site Plan, showing only proposed/allowed uses, should be prepared to demonstrate connectability and to clearly show the proposed/allowed uses.
16. If water lines will remain for irrigation or other purpose, Applicant to clarify use of water to prevent stagnate water in portions of the water main system.
17. Applicant to clarify if requesting a waiver for lighting height and/or shielding.
18. The person responsible for the wetland flagging, the date of wetland flagging, the type of wetland, etc. must be shown on the plan.
19. The proposed use of the existing Guard Tower should be shown on the plans.
20. Applicant to clarify use of vacant buildings.
21. The line type should be dedicated for the fence line being removed and shown in the legend.
22. The easement access information to Building 5 should be shown.
23. Applicant to show compliance with §164-46.J(52) Town of Warwick Design Standards.
24. Applicant to show compliance with §164-46.J(81) Town of Warwick Performance Standards.
25. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”
26. The declaration information for the Agricultural and Aquifer Notes has been added to the plans.
27. Surveyor to certify that iron rods have been set at all property corners.
28. Payment of all fees.

The following comment submitted by the Conservation Board, dated 12/3/13:

Frozen Ropes – The Yard – The CB has no comment on this application.

The following comment submitted by the ARB:

Frozen Ropes – The Yard – None submitted at this time.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This is a Type 1 Action. The Orange County Industrial Development Agency is an Involved Agency. The only thing the Planning Board could do tonight is declare its Intent to be Lead Agency. We have to circulate a letter to the O.C. Industrial Development Agency asking them if they have any interests in being Lead Agency. I have prepared a Resolution for Intent to be Lead Agency for the Planning Board’s consideration.

Mr. McConnell makes a motion for Intent To Be Lead Agency.

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

617.6

State Environmental Quality Review (SEQR)

Resolution Establishing Intent to be Lead Agency

Type 1 Action

Name of Action: Frozen Ropes - The Yard

Whereas, the Town of Warwick Planning Board is in receipt of a Site Plan/Special Use Permit application by OC Yard, LLC for a ± 36 acre parcel of land located at 122 State School Road, Town of Warwick, Orange County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated 11/25/14 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 1 action that involves a physical alteration of nine acres of land adjacent to designated recreation lands owned by the Town of Warwick; and

Whereas, the Planning Board has determined that the proposed project is not within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) do not apply; and

Whereas, after examining the EAF, the Planning Board has determined that there are other involved and/or federal agencies on this matter including the Orange County Industrial Development Agency.

Now Therefore Be It Resolved, that the Planning Board hereby declares its intent to be Lead Agency for the review of this action; and

Be It Further Resolved, that the Planning Board hereby authorizes its Chairman to circulate the attached lead agency coordination request letter(s) to all other involved agencies and to discharge any other SEQR responsibilities as are required by 6 NYCRR 617 in this regard; and

Be It Further Resolved, that unless an objection to the Planning Board assuming lead agency status is received within thirty (30) days of the date of mailing the EAF, the Planning Board will become lead agency for the review of this action.

Comment #2: Applicant to discuss project.

Jay Samuelson: We are here for site plan approval for the 4 fields that are shown on the plan. The buildings that are located on the most eastern part of the property will be removed to create ball fields. Building #53 at this time is a Special Use Permit application. Looking at the site plan, the buildings that are highlighted in the dark grey have been already approved by a Change of Use Permit through the Building Department.

Comment #3: Conservation Board – 12/03/14 no comments

Comment #4: Architectural Review Board – pending comments

Comment #5: OC Planning Department – pending submittal

Comment #6: TW Building Department – 11/14/14 violation for no change of use for Transtech building, which is currently partly on the same tax lot the proposed Frozen Ropes

Mr. Astorino: I believe there is no change of use for the Transtech building. I believe they are currently working on getting that.

Jay Samuelson: That was part of the lot line change. The lot line change map was filed yesterday. The Transtech building is now on a separate lot.

Mr. Astorino: Ok. We can strike Comment #6.

Comment #7: ZBA: variances were recently granted and are current; however, variances must be shown on the plans.

Jay Samuelson: Ok.

Comment #8: NYSDEC: clarify if there are any concerns with the minimal wetland buffer disturbance

Jay Samuelson: There is no proposed disturbance within the wetland buffer. There is an existing area of the parking lot and the access drive that was in the buffer. There would be no proposed disturbance.

Comment #9: The deed for the property must be submitted.

Jay Samuelson: Once we create a new deed. We now had a lot line change. Once they go through the final closing of the property a new deed will be prepared. We will submit that at that time.

Comment #10: The Agricultural Data Statement and Short EAF need to be signed and dated by the Applicant.

Jay Samuelson: I believe it was discussed at the Work Session that you were looking for the Long EAF.

Mr. Fink: We did receive the Long EAF. Ross had emailed that to me. Connie did you get that?

Connie Sardo: Yes. I have it.

Mr. Fink: Ok. We do have the Long EAF.

Jay Samuelson: I just need to get it signed by the applicant. He has been away. As soon as I get it signed by him, we will drop it off to you.

Mr. Fink: Yes.

Comment #11: 9-1-1 address must be shown for all buildings, as appropriate.

Jay Samuelson: We have the ones that the Building Department has provided to us. Once we get the rest of them, we will put them on the plans.

Mr. Astorino: Ok.

Comment #12: Applicant to clarify if indoor and outdoor activities will have different hours of operation.

Jay Samuelson: No.

Comment #13: A Demolition Plan for buildings, pavements, utility poles, sidewalks, etc., shall be prepared, including the area of disturbance and how the water and sewer lines will be abandoned and/or removed.

Jay Samuelson: Ok.

Comment #14: The Demolition Plan shall call out the area of disturbance; this project shall be in compliance with the relevant sections of §164-47.10 Stormwater.

Jay Samuelson: Ok.

Comment #15: A Site Plan, showing only proposed/allowed uses, should be prepared to demonstrate connectability and to clearly show the proposed/allowed uses.

Jay Samuelson: Could you clarify what you are looking for with regards to that?

Laura Barca: Right now you have on the one plan what is going to be removed and what is proposed. We are looking for one plan with what would be removed and one plan on what is proposed.

Jay Samuelson: Ok. I understand that now.

Mr. Bollenbach: I thought that Comment #15 was also related to allowable uses. I thought that we were going to have a more exhaustive list of allowable uses so that you wouldn't have to come back.

Laura Barca: There is another comment for that later.

Jay Samuelson: Yes. I will discuss that when we get to that.

Mr. Bollenbach: Ok.

Comment #16: If water lines will remain for irrigation or other purpose, Applicant to clarify use of water to prevent stagnate water in portions of the water main system.

Jay Samuelson: Ok. We will do that.

Comment #17: Applicant to clarify if requesting a waiver for lighting height and/or shielding.

Mr. Astorino: I assume you are talking about the fields and parking areas.

Laura Barca: It is for both.

Jay Samuelson: It was my understanding that the fields were permitted by zoning. There are no regulations on them. It is just the parking lot and the street that needs to be brought up to Code.

Mr. Astorino: You are going to bring that up to Code?

Jay Samuelson: That was my understanding. I will clarify that.

Comment #18: The person responsible for the wetland flagging, the date of wetland flagging, the type of wetland, etc. must be shown on the plan.

Jay Samuelson: It is on the plan. It is Note #4.

Mr. Astorino: Laura, would you check on that?

Laura Barca: Ok.

Comment #19: The proposed use of the existing Guard Tower should be shown on the plans.

Jay Samuelson: I think it was discussed at the Work Session. There was some kind of confusion on which ones we were talking about. It is the one that is out by fields 2, 3, and 4.

Comment #20: Applicant to clarify use of vacant buildings.

Jay Samuelson: That was where John was leading to. I think at this point in time they don't have any idea on what they are going to use them for. Along with your list with regards to that, we don't have any idea on what would be there. I think that they are prepared to come back for those buildings at that time. They really don't have any idea on what to do with them.

Mr. Astorino: Ok.

Comment #21: The line type should be dedicated for the fence line being removed and shown in the legend.

Jay Samuelson: Ok.

Comment #22: The easement access information to Building 5 should be shown.

Jay Samuelson: Ok. We will label what the easement is for.

Comment #23: Applicant to show compliance with §164-46.J(52) Town of Warwick Design Standards.

Jay Samuelson: Yes.

Comment #24: Applicant to show compliance with §164-46.J(81) Town of Warwick Performance Standards.

Jay Samuelson: Yes.

Comment #25: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”

Jay Samuelson: We will add the note.

Comment #26: The declaration information for the Agricultural and Aquifer Notes has been added to the plans.

Mr. Bollenbach: We will still need other declarations. There are easements, R.O.W., maintenance agreements. With the last approval, there were of future actions referred in the conditions for the lot line change. This is now the time for future action. We would need the recording information for those documents as well.

Mr. Astorino: Ok.

Comment #27: Surveyor to certify that iron rods have been set at all property corners.

Jay Samuelson: Yes.

Comment #28: Payment of all fees.

Jay Samuelson: Yes.

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

Laura Barca: Regarding Comment #20, on the site plan even if you put down the same uses that you already have for those buildings even though you don't have any idea on what they are going to be used for, then you wouldn't have to come back.

Jay Samuelson: Ok.

Laura Barca: If you put down a couple uses that are even remotely possible, it could prevent you from coming back.

Jay Samuelson: Ok. Understood.

Mr. McConnell: I have a question for our Attorney. It looks like in the correspondence that is listed here there was an Ag Data Statement submitted. It is referred to in a couple of comments. In the Lead Agency it is stated that it is not within an Agricultural District. Why does that strike me as being if not contradictory then puzzling?

Mr. Bollenbach: It is within the proximity to.

Mr. Astorino: Was that within 500 or 300 feet?

Connie Sardo: It is within 500 feet.

Mr. Astorino: Ok.

Mr. McConnell: Ok.

Mr. Astorino: You have the Wright Farm around there. It borders the property.

Mr. McConnell: It does. Ok. Thank you.

Mr. Fink: That is all it is. It's within the proximity of 500 feet.

Mr. McConnell: Got it. Thank you.

Mr. Fink: I have a question regarding the buildings that are to be removed. There is a note on here that some of the materials are going to be used for subgrade. What about the rest of the materials? Are they going to be trucked off the site or stay on the site?

Jay Samuelson: I don't know the answer. I will find out.

Mr. Fink: Ok. The other question I have is one of the reasons why this is a Type 1 Action is because it is adjoining the Town's open space plans. At the Work Session, we talked about portions of the fencing that would be removed but not the razor wire up on the top. Would people from that common and use facility here, would they be able to have ready access to the Town's parkland or would they be constrained by the fencing?

Jay Samuelson: I think that they are going to be constrained by the fencing. I don't think the entire fencing is going to be removed. There are just portions of the razor wire that would come off.

Mr. Astorino: I think it should be separate. It is a private facility.

Jay Samuelson: Yes. It is a private facility.

Mr. Fink: Ok.

Mr. Astorino: Does the Board or Professionals have anything further? Does the Applicant request to be set for a public hearing?

Jay Samuelson: Yes.

Mr. McConnell makes a motion to set the Frozen Ropes – The Yard for a Public Hearing at the next available agenda.

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

Jay Samuelson: Thank you.

Phil Hamling Guest House & Home Occupation

Application for Site Plan and Special Use Permit for the construction and use of a home occupation-arts and crafts studio and a guest house, situated on tax parcel S 27 B 1 L 85.81; project located on the northern side of C.R. 1 320 feet west of Amity Road (376 C.R. 1), in the RU zone, of the Town of Warwick.

Representing the applicant: Karen Emmerich from Lehman & Getz Engineering. Phil Hamling, Applicant

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – 12/03/14 no comments
4. Architectural Review Board – pending comments
5. OC Planning Department – pending submittal
6. TW Building Department – 11/13/14 open permit for barn with second kitchen
7. OCDPW – pending submittal
8. ZBA: A ZBA variance was granted on April 26, 2004 for front yard setback for a 30' by 40' work shed; given the proposed change of use, an area variance is needed for the Guest House where a 50-ft front yard setback is provided where 75-ft is required in accordance with §164-40.N.(b). An use variance is also required for the proposed Home Occupation which is not permitted since it does not meet the minimum setback requirements in accordance with special use condition §164-46.J.(7).
9. National Wetland Inventory Mapping needs to be submitted by the Applicant's engineer.
10. The approval block for owner(s) and Planning Board Chairman's signature must be added to Sheet 1.
11. The plans shall clearly call-out the number of proposed number of bedrooms in the guest house.
12. Plans shall demonstrate that the existing septic system is sufficient for the proposed guest house and home occupation.
13. A note shall be added to the plan stating that any signs will be in compliance with §164-43.1.
14. On Sheet 1, Summary of Zoning Requirements, the Lot Depth for Theoretical Lots 1 and 2 seem to be for the entire lot and not the smaller lots; Applicant to revise.
15. In accordance with §164-43.5.A(3), a Class 2 home occupation shall not occupy more than 25% of dwelling; Applicant to provide calculations, including the square footage of both structures.
16. In accordance with §164-43.1.G.(1), a single sign not exceeding 3-sf shall be permitted. Application proposes a sign with 12-sf per face.
17. Sheet 2, Sign Detail, Note 1, Applicant to verify source of this information.
18. Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." (Sheet 1, Note 12)
19. The declaration information for the Agricultural Notes must be added to the plans.
20. Surveyor to certify that iron rods have been set at all property corners.
21. Payment of all fees.

The following comment submitted by the Conservation Board, dated 12/3/14:

Phil Hamling Guest House & Home Occupation – The CB has no comments.

The following comment submitted by the ARB:

Phil Hamling Guest House & Home Occupation – 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 and declare itself Lead Agency.

Mr. Kennedy makes a motion for Lead Agency.

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

617.6

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

Name of Action: Hamling Home Occupation and Guest House

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan/Special Use Permit application by Phil Hamling for a ± 8.3 acre parcel of land located at 376 County Route 1, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 6-11-14 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 not within an agricultural district and, therefore, the requirements of 6 NYCRR 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 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.

Phil Hamling: The reason why I am here, I put up this building about 10 years ago. I went to the ZBA. I received a variance for a 50-foot setback. The Building Permit calls it out as a barn which is about what I could afford to put up at the time. It was a shell that was insulated and finished on the inside. As time went on, I finished the thing. I put in a dedicated well and leach fields. I had many visits by the Town's Building Inspector. I can recall Mr. John Batz going out there 4 or 5 times. He looked at it. He said it was good. Recently, I started spending my time making art pottery in there. I am running that space. Someone suggested to me that I should open up and try selling some of this stuff. I don't want to start another business. I am up to hear with businesses. So, I inquired with the Building Department on what I would have to do in order to do that. For some reason, that prompted the Building Inspector to come out and inspect the building. Wayne walked through it. He came back with a list of things that I had to finish. On the list, he had things I needed to do like a final electrical inspection, raise the woodstove up, put in carbon monoxide detectors, and things like that. He also stated that I never applied for a building permit to put a kitchen in there. I said, ok that would be no problem. I'll do that. The whole time John Batz was out there looking at the rough work, you could see where the kitchen is. It is on the plan. You could see the rough plumbing and rough electrical. Anyway, I took care of the items that they told me to do. I applied for a building permit for the kitchen. After that about 2 days later, my application fee was returned to me. They said I could not have a kitchen in that building. They said it was against the rules. I said, what happened did the rules change? John Batz has been out there a ton of times. I feel like I'm caught in a Catch 22 here. I asked, what do I have to do in order to keep it? They said I had a couple of choices. They said I could rip out the refrigerator and stove. Then it would no longer be deemed a kitchen. Or, they said I could apply for a Home Occupation. Then I could have a kitchen for my employees. I don't want to add employees. The down side of that is the Home Occupation doesn't survive the current ownership. That went poof at some point. What do I do to make that not go poof? They told me that I would have to apply for a guest house. I said, fine. Let us call it whatever we want. As a business man and a life time resident of the Town of Warwick, it seems absolutely nuts. But, it is what it is. I am \$10K into this thing. Now, they are saying I might have to go to the ZBA. I am not trying to rattle anyone. I just wanted to illustrate and to get this thing straightened out.

Mr. Astorino: We will move it along.

Comment #3: Conservation Board – 12/03/14 no comments

Comment #4: Architectural Review Board – pending comments

Comment #5: OC Planning Department – pending submittal

Comment #6: TW Building Department – 11/13/14 open permit for barn with second kitchen

Mr. Astorino: I guess that was the one that they were talking to you about.

Phil Hamling: Second kitchen?

Mr. Astorino: I guess there is a kitchen in your main house.

Phil Hamling: Ok.

Comment #7: OCDPW – pending submittal

Mr. Astorino: There is nothing changing with the driveway. Is that correct?

Karen Emmerich: Nothing is changing.

Comment #8: ZBA: A ZBA variance was granted on April 26, 2004 for front yard setback for a 30' by 40' work shed; given the proposed change of use, an area variance is needed for the Guest House where a 50-ft front yard setback is provided where 75-ft is required in accordance with §164-40.N.(b). An use variance is also required for the proposed Home Occupation which is not permitted since it does not meet the minimum setback requirements in accordance with special use condition §164-46.J.(7).

Mr. Bollenbach: We also had discussed that it is not that this use variance may need to be renewed. It has to be renewed. It is no longer a setback for a shed or barn. It is for a residence. Also, a Home Occupation use is not permitted on a non-conforming lot. He would have to go for an area variance and a use variance.

Karen Emmerich: For what do we need to go for a use variance for?

Mr. Bollenbach: A Home Occupation is not permitted on a non-conforming lot.

Karen Emmerich: Is it because of the setback issue?

Mr. Bollenbach: Yes. That is one of them. It is not just merely an area variance. It's an area variance for the residence. A Home Occupation is another thing.

Mr. Astorino: Is there someone living there now?

Phil Hamling: No.

Mr. Astorino: This Board could give the ZBA a recommendation.

Mr. Bollenbach: We could do it for area variances. But we haven't done it for use variances.

Mr. Astorino: We have not done it for use.

Mr. Bollenbach: No.

Mr. Astorino: Can we not do it for use?

Mr. Bollenbach: That would be up to the Board.

Mr. Showalter: I say that we can.

Mr. Astorino: I say that we can. Karen, are you going to make an application to the ZBA?

Karen Emmerich: Yes.

Mr. Astorino: Connie, when is the next ZBA meeting?

Connie Sardo: It is January 26, 2015.

Mr. McConnell: John, why does this require both a Home Occupation and a guest house? If the gentleman was not going to sell anything out there, not going to sell it...

Mr. Bollenbach: Then it wouldn't need be a Home Occupation.

Mr. McConnell: Then it wouldn't need to be a Home Occupation.

Mr. Bollenbach: No. It would not.

Phil Hamling: I do want to sell things out of there.

Mr. McConnell: I though you said you were going to give it away. I just wanted to understand why we needed to do a Home Occupation and a guest house.

Mr. Astorino: It sounds like that is what we have to do.

Phil Hamling: I want it to survive my ownership.

Mr. Bollenbach: The guest house would survive ownership. The Home Occupation would not.

Phil Hamling: When I am gone, I don't care. I don't care about the Home Occupation. I just want to make sure my wife doesn't end up with all of this trouble and she could not unload this thing.

Mr. Astorino: What does the Board want to do as far as a recommendation to the ZBA? We could do this now. Do you want to do a Positive recommendation on the area and use?

Mr. McConnell: Yes.

Mr. Showalter: Yes.

Mr. Kennedy: Yes.

Ms. Little: Yes.

Mr. Astorino: John, could you do a Positive recommendation letter to the ZBA for the area and use variances?

Mr. Bollenbach: Yes.

Mr. Astorino: Thank you.

Comment #9: National Wetland Inventory Mapping needs to be submitted by the Applicant's engineer.

Karen Emmerich: We submitted that.

Comment #10: The approval block for owner(s) and Planning Board Chairman's signature must be added to Sheet 1.

Karen Emmerich: Will do.

Comment #11: The plans shall clearly call-out the number of proposed number of bedrooms in the guest house.

Karen Emmerich: Ok.

Comment #12: Plans shall demonstrate that the existing septic system is sufficient for the proposed guest house and home occupation.

Karen Emmerich: Ok.

Comment #13: A note shall be added to the plan stating that any signs will be in compliance with §164-43.1.

Karen Emmerich: No problem.

Comment #14: On Sheet 1, Summary of Zoning Requirements, the Lot Depth for Theoretical Lots 1 and 2 seem to be for the entire lot and not the smaller lots; Applicant to revise.

Karen Emmerich: We will correct that.

Comment #15: In accordance with §164-43.5.A(3), a Class 2 home occupation shall not occupy more than 25% of dwelling; Applicant to provide calculations, including the square footage of both structures.

Karen Emmerich: Will do.

Comment #16: In accordance with §164-43.1.G.(1), a single sign not exceeding 2-sf shall be permitted. Application proposes a sign with 12-sf per face.

Karen Emmerich: Has that been squared away?

Mr. Bollenbach: Laura, I thought that was 3-sf.?

Karen Emmerich: It is 3-sf now.

Mr. Bollenbach: Laura, was that 3-sf that was discussed?

Laura Barca: I am not sure.

Mr. Bollenbach: We will have to find the specific reference that indicates the 3-sf. There are 2 provisions in the Code that are inconsistent. One says 2-sf and one says 3-sf.

Laura Barca: Right.

Mr. Bollenbach: Due to the inconsistency, the more lenient is primary to the applicant. You could have it at 3-sf.

Phil Hamling: Is that 3-sf on one side?

Mr. Bollenbach: Yes, and it could be a 2-faced side.

Phil Hamling: Ok.

Comment #17: Sheet 2, Sign Detail, Note 1, Applicant to verify source of this information.

Karen Emmerich: We will correct that.

Comment #18: Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." (Sheet 1, Note 12)

Karen Emmerich: Will do.

Phil Hamling: There is no construction.

Mr. Astorino: There is no construction. It is just a general note. Basically, you cannot have your Home Occupation, or have someone living there, or sell your pottery until this proceeding is over. Usually after an approval here, stuff has to be done before the maps have to be signed. This is just to have as a place keeper.

Comment #19: The declaration information for the Agricultural Notes must be added to the plans.

Karen Emmerich: Ok.

Comment #20: Surveyor to certify that iron rods have been set at all property corners.

Karen Emmerich: We will talk to the Surveyor.

Comment #21: Payment of all fees.

Phil Hamling: Ok.

Mr. Astorino: Do any Board Members or Professionals have any comments? We will get a Positive recommendation to the ZBA. Does the applicant wish to be set for a public hearing?

Karen Emmerich: Yes.

Mr. McConnell makes a motion to set the Phil Hamling Guest House & Home Occupation for a Public Hearing at the next available agenda.

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

Karen Emmerich: Thank you.

Phil Hamling: Thank you.

Eagle Crest of Warwick/Autumn Ridge Corp.

Application for Sketch Plat Review of a proposed 3-Lot Cluster (**Major**) Subdivision, situated on tax parcel S 23 B 1 L 11.2; parcel located on the northeastern side of Hambletonian Road 1590 feet north of Ridge Road, in the RU zone, of the Town of Warwick.

Representing the applicant: Kirk Rother, P.E.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – 12/03/14 will submit comments after site inspection; concerns are lot configuration and control of open space
4. Architectural Review Board – pending comments
5. OC Planning Department – pending submittal
6. TW Building Department – 11/13/14 no violations
7. It should be clarified who will issued driveway permits (i.e., Town of Chester DPW or Town of Warwick).
8. USACE: The wetland delineation was completed in 2006; the wetland delineation should be updated.
9. NYSDEC: Applicant should confirm that this wetland would not be regulated by NYSDEC.
10. Applicant to submit the final copy of plans for the subdivision that created Lewis Court (in Chester).
11. The approval block for owner(s) and Planning Board Chairman's signature must be added to Sheet 1.
12. The lot line types showing conservation areas shall be different from the proposed lot lines.
13. The conservation area for Lot 1 is accidentally labeled Lot 2 conservation area.
14. Soil tests must be witness by the Office of the Planning Board Engineer.
15. A note shall be added to the plan stating that the plan will be in compliance with lighting §164-43.3.
16. To date, Lewis Court has been offered for dedication to the Town of Chester but has not been accepted. Depending on the timing of this dedication, a ZBA variance for §280(a) may be required.
17. Applicant to clarify the rights for access from the Lewis Court cul-de-sac.
18. Applicant to clarify who will be responsible for the construction of the Lewis Court Extension.
19. If Lewis Court Extension is planned to be constructed; the grading and profile for the roadway should be shown to confirm that it can be constructed within the right-of-way; otherwise temporary construction easements should be shown.
20. The driveway grading for proposed lots 2 and 3 should be shown, including profiles for any driveway exceeding 10%.
21. It should be clarified which school district, ambulance district, and fire department district will service proposed lots 2 and 3.
22. The entity responsible for the maintenance of the conservation easements (see §164-41.1.J(1)).
23. The language for what is allowed and/or what is not allowed in the conservation easement must be submitted, including the well on proposed lot 1 (see §164-41.1.J(2)).

24. A maintenance agreement acceptable to the Town of Warwick must be established between the owner and the conservation organization or the Town of Warwick to insure perpetual maintenance of the open space.
25. Applicant to clarify if not proposing "Open Space" (see §164-41.1.K), the plan should be revised to state that Conservation Easements are being proposed (and not Open Space Conservation Areas).
26. The Ridgeline Overlay Notes and Agricultural Notes must be added to the plan.
27. Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained."
28. The declaration information for the Ridgeline Overlay notes and Agricultural Notes must be added to the plans.
29. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at all conservation area corners.
30. Payment of lieu of parkland fees per §75-3.A(2)(a)(3) for 2 lots.
31. Payment of all fees.

The following comment submitted by the Conservation Board, dated 12/3/14:

Eagle Crest of Warwick/Autumn Ridge Corp. – The CB will provide comments after the site visit. The initial concern is over the configuration and control of the open space.

The following comment submitted by the ARB:

Eagle Crest of Warwick/Autumn Ridge Corp. – 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.

Mr. Kennedy makes a motion for Lead Agency.

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

617.6

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

Name of Action: Eagle Crest Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application Autumn Ridge Corporation for a ± 17.2 acre parcel

Whereas, an Environmental Assessment Form (EAF) dated 10-10-14 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 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.

Kirk Rother: The application that is before the Board is for a proposed 3-Lot Cluster subdivision. It is situated on approximately 17 acres of land. It is located on the eastern side of Hambletonian Road at the municipal boundary of the Town of Chester. This property was part of a 4-Lot subdivision that was in front of the Board called the Estate of Lewis. That subdivision subdivided one 2-acre lot off that was based on the 89 Zoning Code. This track was also part of a larger holding of the estate. There was around 87 acres in the Town of Chester. That was a subdivision that was approved in 2 phases. They preserved approximately 65% of the parcel as open space. This plan lies in the Town of Warwick's RU zone. It is 4-acre zoning. Our Conservation Plan is not seeking to take advantage of any density bonuses based on the 4-acre minimum lot size. The Cluster subdivision just seems to make a lot of sense for this particular piece of land so that we could preserve some wetlands on the site. It will decrease the amount of impervious area. We will be putting a cul-de-sac in. We would also maintain the top of the ridge.

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

Comment #4: Architectural Review Board – pending comments

Comment #5: OC Planning Department – pending submittal

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

Comment #7: It should be clarified who will issued driveway permits (i.e., Town of Chester DPW or Town of Warwick).

Mr. Astorino: I would assume it would be the Town of Chester.

Kirk Rother: I would think so.

Comment #8: USACE: The wetland delineation was completed in 2006; the wetland delineation should be updated.

Kirk Rother: Yes.

Comment #9: NYSDEC: Applicant should confirm that this wetland would not be regulated by NYSDEC.

Kirk Rother: Will do.

Comment #10: Applicant to submit the final copy of plans for the subdivision that created Lewis Court (in Chester).

Kirk Rother: Will do.

Comment #11: The approval block for owner(s) and Planning Board Chairman's signature must be added to Sheet 1.

Kirk Rother: Will do.

Comment #12: The lot line types showing conservation areas shall be different from the proposed lot lines.

Kirk Rother: Ok.

Comment #13: The conservation area for Lot 1 is accidentally labeled Lot 2 conservation area.

Kirk Rother: Yes.

Comment #14: Soil tests must be witness by the Office of the Planning Board Engineer.

Kirk Rother: Ok.

Comment #15: A note shall be added to the plan stating that the plan will be in compliance with lighting §164-43.3.

Kirk Rother: Yes.

Comment #16: To date, Lewis Court has been offered for dedication to the Town of Chester but has not been accepted. Depending on the timing of this dedication, a ZBA variance for §280(a) may be required.

Kirk Rother: Right. I understand where Laura is coming with this. Laura, however we have also done Clusters in the Town of Warwick where Clusters were allowed Private Roads.

Laura Barca: Actually, it is slightly a little more complicated because of the driveway coming in from the Town of Chester. Town of Chester would need to decide if you would need a 280(a) variance.

Kirk Rother: Yes.

Ms. Little: I am looking at 2 cul-de-sacs on the plan. Are you proposing that one cul-de-sac won't exist?

Mr. Astorino: Yes.

Ms. Little: But then, the road would go out to him from here.

Mr. Astorino: Yes.

Ms. Little: There is a separate curb cut a little bit further down the road around the bend.

Kirk Rother: This is a Conventional Plan that we have no intention on building.

Mr. Astorino: That is a Yield Plan.

Ms. Little: Ok.

Kirk Rother shows the Yield Plan and Cluster Plan to Ms. Little and explains the difference in plans.

Mr. Astorino: This is one of our first Cluster Plans that Chris and some of the other Board members have seen. When we do a site visit, it will explain a lot.

Ms. Little: Ok. I just know that Hambletonian Road can be a very dangerous road.

Mr. Astorino: Yes. We are not making a new cut.

Mr. Showalter: They are accessing this through the development.

Ms. Little: Ok. Fine.

Mr. Showalter: That would make more sense.

Ms. Little: Yes.

Comment #17: Applicant to clarify the rights for access from the Lewis Court cul-de-sac.

Kirk Rother: The Lewis Court cul-de-sac would eventually be a Town of Chester road.

Comment #18: Applicant to clarify who will be responsible for the construction of the Lewis Court Extension.

Kirk Rother: That would be Lots 2 and 3.

Comment #19: If Lewis Court Extension is planned to be constructed; the grading and profile for the roadway should be shown to confirm that it can be constructed within the right-of-way; otherwise temporary construction easements should be shown.

Kirk Rother: Ok.

Comment #20: The driveway grading for proposed lots 2 and 3 should be shown, including profiles for any driveway exceeding 10%.

Kirk Rother: Will do.

Comment #21: It should be clarified which school district, ambulance district, and fire department district will service proposed lots 2 and 3.

Kirk Rother: I would imagine that it would be the districts that the lots are currently designed in.

Mr. Astorino: Letters would have to be sent to them.

Kirk Rother: Eagle Crest the land in Chester is in the Warwick School District.

Mr. Astorino: This road that has this extension, would it be Chester's extension?

Kirk Rother: I think we are going to make that part of these 2 lots.

Mr. Astorino: That would be a private piece.

Kirk Rother: It would be Lots 2 and 3 responsibility.

Mr. Astorino: Ok.

Kirk Rother: We would take that 50-foot strip out of the dedication that we had made to the Town of Chester.

Mr. Astorino: Ok. As it is now, it is being offered for dedication to the Town of Chester.

Kirk Rother: Yes.

Mr. Astorino: Ok.

Comment #22: The entity responsible for the maintenance of the conservation easements (see §164-41.1.J(1)).

Kirk Rother: I labeled them as open space conservation area. Typically in the past in situations like this, they would be owned by the individual lots. We would just call them open space area. We would put a restrictive covenant on there.

Mr. Astorino: That is something we would see at the site visit. We would see the connectability, how it lays out, and why it makes sense.

Kirk Rother: Yes.

Comment #23: The language for what is allowed and/or what is not allowed in the conservation easement must be submitted, including the well on proposed lot 1 (see §164-41.1.J(2)).

Kirk Rother: Ok.

Comment #24: A maintenance agreement acceptable to the Town of Warwick must be established between the owner and the conservation organization or the Town of Warwick to insure perpetual maintenance of the open space.

Kirk Rother: Yes.

Comment #25: Applicant to clarify if not proposing "Open Space" (see §164-41.1.K), the plan should be revised to state that Conservation Easements are being proposed (and not Open Space Conservation Areas).

Kirk Rother: It won't be easements. It would be open space.

Comment #26: The Ridgeline Overlay Notes and Agricultural Notes must be added to the plan.

Kirk Rother: Yes.

Comment #27: Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained."

Kirk Rother: Yes.

Comment #28: The declaration information for the Ridgeline Overlay notes and Agricultural Notes must be added to the plans.

Kirk Rother: Yes.

Comment #29: Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at all conservation area corners.

Kirk Rother: Ok.

Comment #30: Payment of lieu of parkland fees per §75-3.A(2)(a)(3) for 2 lots.

Kirk Rother: Yes.

Comment #31: Payment of all fees.

Kirk Rother: So noted.

Mr. Astorino: Do any Board Members or Professionals have any comments? We will need to schedule a site visit. When does that Board want to do a site visit? I would assume that this would have to be done on a Saturday because it gets darker earlier. What Saturday does the Board want to do a site visit?

Connie Sardo: You don't want to do it this Saturday. They are calling for a lot of rain.

Mr. Astorino: I guess we could do it through email. We could do it at our next Work Session. We will let you know. I would like to get out there before any snow gets on the ground.

Kirk Rother: Lewis Court is built. We could drive right through that.

Ms. Little: If we could make it another day, I will bring cookies.

Mr. Astorino: Ok. We will set it up through email.

Kirk Rother: How about the following Saturday, 12/13/14?

Mr. Astorino: It sounds like some of our Board Members and Professionals can't make it at that date.

Mr. McConnell: If you going to figure it out at our next Work Session, the agenda is talking about canceling the Work Session.

Mr. Astorino: Do you want to figure it out now?

Connie Sardo: How about doing the site visit on Sunday?

Mr. Showalter: I would do it on Sunday.

Mr. Astorino: That would be up to the Board. I am fine with Sunday.

Kirk Rother: I am fine with Sunday.

Mr. Astorino: Ok. The Board is ok with a site visit for Sunday, 12/7/14. We will scheduled the site visit for Sunday, 12/7/14 @ 9:00 a.m.

Kirk Rother: Ok. We will meet at the cul-de-sac. Thank you.

Other Considerations:

1. **Norma Jean Fusco Subdivision** – Letter from Dave Higgins, Lanc & Tully Engineering, dated 11/19/14 addressed to the Planning Board in regards to Fusco Subdivision – requesting a 6-Month Extension on “Re-Approval” of Amended Final Approval for filing a 12-Lot Cluster subdivision in sections. Section I to consist of a proposed 3-Lot Cluster subdivision, situated on tax parcel SBL #18-1-31.2; parcel located on the southern side of Taylor Road 900+/- feet east of intersection of Taylor Road & Jessup Road, in the RU zone. Conditional Amended Final Approval for Section I was granted on 7/17/13. *The Applicant has stated that they are currently working on meeting all of the conditions of final approval.* The 6-Month Extension on Re-Approval of Amended Final Approval for Section I to become effective on 1/17/15.

Mr. McConnell makes a motion on the Norma Jean Subdivision application, granting a 6-Month Extension on “Re-Approval” of Amended Final Approval for filing a 12-Lot Cluster subdivision in sections. Section I to consist of a proposed 3-Lot Cluster subdivision, situated on tax parcel SBL #18-1-31.2; parcel located on the southern side of Taylor Road 900± feet east of the intersection of Taylor Road & Jessup Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. Conditional Amended Final Approval for Section I was granted on 7/17/13.

The 6-Month Extension on Re-Approval of Amended Final Approval becomes effective on 1/17/15.

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

2. **Douglas Tinnirello** – Letter from Douglas Tinnirello, dated 11/25/14 addressed to the Planning Board in regards to the Tinnirello Subdivision – requesting a 6-Month Extension on 5th Re-Approval of Final Approval of a proposed 3-Lot Cluster Subdivision, situated on tax parcels SBL # 49-1-56 & 45.42; parcels located on the southeast side of NYS Route 94 1000 feet southwest of Wawayanda Road, in the RU zone. Conditional Final Approval was granted on 6/17/09. *The Applicant has stated that due to the continued depressed state of the economy they have not been able to generate enough income to cover the cost of anything; other than the essential of living.* The 6-Month Extension on 5th Re-Approval of Final Approval becomes effective on, 12/17/14.

Mr. McConnell makes a motion on the Douglas Tinnirello Subdivision application, granting a 6-Month Extension on 5th Re-Approval of Final Approval of a proposed 3-Lot Cluster subdivision. SBL # 49-1-56 & 45.42. Conditional Final Approval was granted on 6/17/09.

The 6-Month Extension on 5th Re-Approval of Final Approval becomes effective on 12/17/14.

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

3. **Adele Grill Subdivision** – Letter from Adele Grill, dated 10/17/14 addressed to the Planning Board in regards to the Grill Subdivision – requesting 2nd Re-Approval of 2nd Amended Final Approval and 6-Month Extension on 2nd Re-Approval of 2nd Amended Final Approval of a proposed 4-Lot Cluster Subdivision, situated on tax parcels SBL #29-1-71 & 72; parcels located on the westerly side of Distillery Road 750 feet north of Pine Island Trnpke., in the RU zone. 2nd Amended Final Approval was granted on 8/1/12. *The Applicant has stated due to the continuing depressed economy the 2nd Re-Approval & 6-Month Extension is needed.* 2nd Re-Approval of 2nd Amended Final Approval becomes effective on 8/1/14; subject to the conditions of 2nd Amended Final Approval granted on 8/1/12. 6-Month Extension on 2nd Re-Approval becomes effective on 2/1/15.

Ms. Little: Did I hear that this property is in foreclosure?

Mr. Astorino: We don't know that for sure.

Ms. Little: If it does go into foreclosure, what happens to all of this?

Mr. Astorino: It probably would go bye-bye.

Mr. Showalter: It would go dead.

Ms. Little makes a motion on the Adele Grill Subdivision application, granting 2nd Re-Approval of 2nd Amended Final Approval and 6-Month Extension on 2nd Re-Approval of 2nd Amended Final Approval of a 4-Lot Cluster Subdivision, situated on tax parcels S 29 B 1 L 71 and L 72; parcels located on the westerly side of Distillery Road 750 feet north of Pine Island Trnpke., in the RU zone, of the Town of Warwick, County of Orange State of New York. The 2nd Amended Final Approval was granted on 8/1/12.

The 2nd Re-Approval of 2nd Amended Final Approval becomes effective on 8/1/14; subject to the conditions of 2nd Amended Final Approval granted on 8/1/12. The 6-Month Extension on 2nd Re-Approval becomes effective on 2/1/15.

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

Connie Sardo: I just wanted to let the Board know that the Building Department went out to Mrs. Grill's property to check to see if anyone was living in the small house. It appears that nobody is living there. But the tree is still across the road where she is trying to protect the frogs.

Mr. Astorino: Ok. Thank you.

4. Planning Board Minutes of 11/5/14 for PB Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 11/5/14.

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

5. PB to discuss canceling the 12/8/14 W.S. & 12/17/14 PB Meeting.

Mr. Astorino: Connie, we only have one item on the agenda. Is that correct?

Connie Sardo: Yes. The only items that we have on the agenda is Canine Case Squad/Forst. They went to the ZBA on November 24th. They received their variance from the ZBA. They are due in court on December 9th. John, do you want to explain that?

Mr. Bollenbach: It is a Court appearance that is irrelevant to the Planning Board.

Mr. Astorino: It would be up to the Planning Board. Do you want have it for one thing or push it off to the New Year?

Mr. Showalter: Let's do it in the New Year.

Mr. MacDonald: Let's do it in the New Year.

Mr. Showalter makes a motion to cancel the 12/8/14 Work Session and 12/17/14 Planning Board Meeting.

Seconded by Mr. Kennedy. Motion carried; 4-Ayes and 1-Nay (Mr. McConnell)

6. Planning Board to discuss Favorable Zoning Amendment recommendation to the Town Board.

Mr. Astorino: There are some Zoning revisions that made it to the office but not to us. Connie will get it emailed to you tomorrow. Ted, could you please go through them? We would need to make a recommendation to the Town Board.

Mr. Fink: There are no Zoning Map changes proposed. It is only Zoning text changes. They consist of in some cases just typographical errors that were in the existing Zoning. For instance; the word County should be country. It is that type of thing. Regarding the sign regulations, there was one section of the Code for Route 94 where the size of the signs should have a relationship and there is formula for how large the sign could be based upon the distance to Route 94. The Town earlier this year changed the sign regulations to allow for a larger sign. It would make no difference to maintain that in the Code. In fact, I think that it would cause some confusion if people looked at that particular provision. It didn't provide any sort of a benefit to anybody on the Route 94 corridor to have a formula to determine sign size. The size was increased. The other thing is, there is a provision in the Code for commercial agriculture where one of the things that you could do is energy production involving solar, wind, solar power, etc... The Board proposed to put in a clause that says primarily for use on a farm. It is just to make it clear that this is to primarily benefit the farmers and not large wind farms or large solar farms or anything like that could take over a whole farm operation. Another one is to provide a new use, Use #53, which right now is preserved. That would also allow for things like clean renewable energy technology businesses devoted to research, education, distribution or application of technological innovation in alternative energy. That would be for the AI, OI, & CB zones. That is a new use. The other one is, there is a

section in the Site Plans and Special Use Permits that pertain to expansions and change of uses that refer to determination to be made by the Town's Engineer. That has been changed to Building Inspector. There is a section in here that has to do with landscaping for solar facilities. Solar panels shall be adequately screened from adjacent properties to minimize views, taking into consideration the need for southern exposure.

Mr. McConnell: What does that mean? Does it mean it should be screened from adjacent properties unless it can't be?

Mr. Fink: There is a State Law that restricts Local Codes from foreclosing solar access. That is in NYS, Town and Village laws. If you don't have a clause like that in there, then it would be a violation of State Law.

Mr. MacDonald: Is that for all of the panels or just on the ground?

Mr. Fink: It doesn't distinguish.

Mr. Astorino: I think it is for both. It is a NYS Law.

Mr. Fink: Yes. Another one has to do with the overall size of the solar panels. There would be a new special condition that would apply that they could not exceed a maximum of 15 acres or a maximum of 40% lot coverage. There is another special condition that solar panels are encouraged to be placed on building roofs or as solar carports covering designated parking areas. There is a section in here on Stormwater Management. There were some typos. There is another one in here that has to do with the right of entry for inspection. They added Code Enforcement Officer and/or Town Engineer for the right to enter the property. What they had before was just Code Enforcement Officer. The final thing was the grandfathering of the already approved subdivisions to extend for another 2 years through January 1, 2017. That is it.

Mr. Astorino: Very good. This will be emailed to the Planning Board. If any Board Members have any comments on it, please get it out to Connie. She will get them out. It is just an advisory for this Board to the Town Board. If the Board doesn't mind, I would like to do a Positive letter of recommendation to the Town Board for these changes. I don't think they are major changes. Is the Board ok with that?

Ms. Little: Yes.

Mr. Showalter: Yes.

Mr. Kennedy: Yes.

Mr. McConnell: Yes.

Mr. Astorino: Ok. The Board has come to a consensus. John, please get that Positive recommendation letter out to the Town Board.

Mr. Bollenbach: Yes.

Correspondences:

Mr. Astorino: There is a correspondence that I would like to mention to the Board. I am on the Orange County Municipal Planning Federation Board. Our Board usually goes to these classes for training. If anybody has anything that they think would interest them instead of the same old stuff, either email Connie or I within the next week. The County want to try to get some new light into some of these education courses. They will have their basic courses for members. Think of some interesting topics that you might want to hear at a course. I thank you for that. I also want to inform the Board, if we do get inclement weather on a night of a meeting, we will notify everybody by 4:00 p.m. through Connie.

Mr. McConnell: Have we heard anything from the DEC about Pine Island?

Mr. Astorino: From what I hear, they will be rendering a decision shortly. That is all I know. Connie, do we have any other correspondences?

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

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

Mr. McConnell makes a motion to adjourn the December 3, 2014 Planning Board Meeting.

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

Mr. Astorino: Merry Christmas everyone.