

TOWN OF WARWICK PLANNING BOARD

December 7, 2011

Members present: Chairman, Benjamin Astorino
Dennis McConnell
Roger Showalter, Beau Kennedy
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 7, 2011 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

Mr. Astorino: The first order of business tonight is our Board member who is not here this evening, Mr. Russell Kowal, he was recently elected to the Town Board. Since this is our last Planning Board meeting for this year and Russ will no longer be with the Planning Board, I would like to say thank you to Russ for all his years of service and hard work with the Planning Board. I would like to wish him luck with all of his endeavors. Thank you to Russ for everything you have done for us.

PUBLIC HEARING OF Richard and Joan Brady

Application for Final Approval of a proposed 2-Lot Subdivision, situated on tax parcel S 64 B 1 L 54; parcel located on the southern side of Brady Road approximately 730 feet southwest of Bowen Road Intersection, in the MT zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Karen Emmerich from Lehman & Getz Engineering.

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

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 11/01/11 no comments.
4. Architectural Review Board comments: 11/02/11 no comments.
5. OCPD: 11/29/10; one binding comment related to the Purchase of Development Right (PDR) easement (see **Attachment 1**).
6. TW ZBA: 280(a) driveway access to a private road; 2.9 acre area for Lot 2 (required area is 5 acres) – ZBA conditional final approval 09/26/11.
7. The ZBA approval language must be shown on the plans in its entirety.

8. Sheet 1 Note 11 should be revised to say in accordance with Planning Board Engineer's Specifications.
9. There is an existing 30" CMP pipe that is labeled as only CMP drainage pipe; the diameter, inlet, outlet, and slope of this pipe shall be shown on the drawing.
10. The Drainage Analysis, dated 08/31/11, states on the cover page that the 10-yr storm event was determined, while the calculation sheet states that the 25-yr storm event was determined; Applicant to clarify. Please provide rainfall intensity curves as backup information.
11. The Drainage Analysis, dated 08/31/11, states that the capacity of the proposed 30" concrete pipe is 76 cfs; however that assumes that the pipe is installed at a 6% slope. Please confirm the inlet capacity of this structure based on the headwater depth available at the upstream end of the pipe.
12. Applicant to clarify how swale along Lot #2 is entering headwall to the culvert under the driveway.
13. There is currently a locked gate at the driveway entrance because it also services as an access road to two wireless telecommunications facility (WTF) properties. The Applicant must coordinate with the two WTFs and relocate the locked gate past the proposed driveway entrance to the proposed residential property along Tower Lane.
14. A note should be added to the plan stating that the barbed wire will be removed from residential properties where agricultural practices are no longer used prior to the Certificate of Occupancy being issued.
15. The estimated site distance along Brady Road after the clearing should be shown on the plans.
16. Applicant to clarify if the shared driveway agreement between lots 64-1-44 and 64-1-55 should be modified to include this proposed lot in some manner. Owner of new lot will be responsible for maintenance of Tower Lane from Brady Road to the driveway for the new lot.
17. Approximately half of the lot frontage on this lot shows ownership of Brady Road. The owner may offer to dedicate this portion of the lot to the Town.
18. A note should be added to the plan referencing the conservation easement declaration information.
19. The declaration information for the Agricultural and Ridgeline Notes will need to be shown on the drawing.
20. Surveyor to certify that iron rods have been set at all property corners.
21. Payment of Recreational Fees.
22. Payment of all fees.

The following comment submitted by the Conservation Board:

Richard and Joan Brady – None submitted.

The following comment submitted by the ARB:

Richard and Joan Brady – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has been acting as Lead Agency. We have been reviewing it with the short EAF. It is an Unlisted Action. The only SEQR issue is that the property is located in the Agricultural District and the Ridgeline Overlay District. The applicant has put on the plans map notes about the restrictions in those two Overlay Districts. There are no

wetlands nor floodplains on the parcel. However, there is a swale. Laura, I didn't see any erosion control or details that is being provided for the work that is proposed for a swale that is being diverted into a culvert underneath this proposed driveway. I didn't see any hay bales or anything like that. Have they submitted any erosion control measures or details?

Karen Emmerich: The plan shows a silt fence.

Laura Barca: Yes. There is a silt fence.

Mr. Fink: Ok. I didn't see the area of disturbance.

Karen Emmerich: If you look, you will see a silt fence around it.

Mr. Fink: Ok. That has been addressed.

Comment #2: Applicant to discuss project.

Karen Emmerich: We are proposing a 2-Lot subdivision in the MT zone. There is one lot with an existing dwelling located on approximately 3 acres. The second lot has approximately 2.9 acres. We received a tentative variance from the ZBA for that lot.

Comment #3: Conservation Board comments: 11/01/11 no comments.

Comment #4: Architectural Review Board comments: 11/02/11 no comments.

Comment #5: OCPD: 11/29/10; one binding comment related to the Purchase of Development Right (PDR) easement (see **Attachment 1**).

Mr. Astorino: John, is that regarding Tower Lane?

Mr. Bollenbach: Yes, OCPL is recommending that the applicant obtain express permission from the Grantees, the Town of Warwick and Scenic Hudson Land Trust if the road is to be widened or paved. But, it is not going to be widened or paved. However, we did get the express permission from all parties involved. We have an easement and a Right-Of-Way agreement to be conveyed to that proposed lot.

Mr. Astorino: Ok.

Comment #6: TW ZBA: 280(a) driveway access to a private road; 2.9 acre area for Lot 2 (required area is 5 acres) – ZBA conditional final approval 09/26/11.

Mr. Bollenbach: I believe one of the conditions of the approval would be that Right-Of-Way agreement. As soon as the Planning Board approves it, it would be subject to that Right-Of-Way. The Right-Of-Way agreement could be filed, the ZBA Resolution could be filed, then the subdivision could be filed.

Karen Emmerich: I have sent a copy of that proposed easement agreement out to Bob. I haven't heard back yet. He does have a copy of it.

Mr. Bollenbach: Good.

Comment #7: The ZBA approval language must be shown on the plans in its entirety.

Karen Emmerich: Will do.

Comment #8: Sheet 1 Note 11 should be revised to say in accordance with Planning Board Engineer's Specifications.

Karen Emmerich: Laura, are you talking about the limit of disturbance?

Laura Barca: I don't have the plan in front of me.

Mr. Astorino: Note #11 on the plan is stated as follow: *"The proposed limit of disturbance = 0.98± acres. This is the boundary line for limit of construction efforts. If, during construction, it becomes necessary to disturb additional area, the Planning Board must grant approval for the additional area of disturbance."*

Laura Barca: What I was going to suggest was instead of saying the Planning Board must grant approval, it should say the Planning Board's Engineer.

Karen Emmerich: Ok.

Laura Barca: That way if it is minor in nature, then I could say ok. If it is something major, then it might have to go back to the Planning Board.

Karen Emmerich: Ok.

Comment #9: There is an existing 30" CMP pipe that is labeled as only CMP drainage pipe; the diameter, inlet, outlet, and slope of this pipe shall be shown on the drawing.

Karen Emmerich: Yes. We will put that on the plan.

Comment #10: The Drainage Analysis, dated 08/31/11, states on the cover page that the 10-yr storm event was determined, while the calculation sheet states that the 25-yr storm event was determined; Applicant to clarify. Please provide rainfall intensity curves as backup information.

Laura Barca: I have received this information. I have not had the chance to review it yet. But, I have it.

Mr. Bollenbach: Ok. We will keep Comment #10.

Comment #11: The Drainage Analysis, dated 08/31/11, states that the capacity of the proposed 30" concrete pipe is 76 cfs; however that assumes that the pipe is installed at a 6% slope. Please confirm the inlet capacity of this structure based on the headwater depth available at the upstream end of the pipe.

Laura Barca: The same thing.

Mr. Bollenbach: We will keep Comment #11.

Comment #12: Applicant to clarify how swale along Lot #2 is entering headwall to the culvert under the driveway.

Karen Emmerich: Ok. I didn't show the grading sufficiently. Did you not understand it?

Laura Barca: I can understand what is happening there. But it is depending on how the utilized drainage...

Karen Emmerich: Ok.

Comment #13: There is currently a locked gate at the driveway entrance because it also services as an access road to two wireless telecommunications facility (WTF) properties. The Applicant must coordinate with the two WTFs and relocate the locked gate past the proposed driveway entrance to the proposed residential property along Tower Lane.

Karen Emmerich: Yes. We understand that.

Comment #14: A note should be added to the plan stating that the barbed wire will be removed from residential properties where agricultural practices are no longer used prior to the Certificate of Occupancy being issued.

Karen Emmerich: Ok.

Comment #15: The estimated site distance along Brady Road after the clearing should be shown on the plans.

Karen Emmerich: Ok.

Comment #16: Applicant to clarify if the shared driveway agreement between lots 64-1-44 and 64-1-55 should be modified to include this proposed lot in some manner. Owner of new lot will be responsible for maintenance of Tower Lane from Brady Road to the driveway for the new lot.

Mr. Bollenbach: I would strike the first sentence on that.

Karen Emmerich: And, the owner is aware of that.

Mr. Bollenbach: Yes. That is still open. We could still get an agreement in the future between those two tower parcels. But right now, the condition for the access to that proposed lot is that the new lot has the absolute responsibility to maintain it. It doesn't have to say that it is solely responsible. In the event that it is not properly maintained, then it would fall back on the proposed lot. They could still enter into future agreements with the other property owners.

Karen Emmerich: Ok.

Comment #17: Approximately half of the lot frontage on this lot shows ownership of Brady Road. The owner may offer to dedicate this portion of the lot to the Town.

Karen Emmerich: I don't think he wants to do that at this point.

Comment #18: A note should be added to the plan referencing the conservation easement declaration information.

Karen Emmerich: Will do.

Comment #19: The declaration information for the Agricultural and Ridgeline Notes will need to be shown on the drawing.

Karen Emmerich: Ok.

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

Karen Emmerich: Ok. I believe he has done that.

Comment #21: Payment of Recreational Fees.

Karen Emmerich: Ok. The applicant understands that.

Comment #22: Payment of all fees.

Karen Emmerich: Ok.

Mr. Astorino: Do any Board members or Professionals have any comments? This is a public hearing. If there is anyone in the audience wishing to address the Brady application, please rise and state your name for the record. Let the record show no public comment.

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: Brady Two Lot Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed two lot subdivision, 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 10-07-10, 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. McConnell makes a motion to close the public hearing.

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

Laura Barca: Ben, could we add a condition that depending on how that drainage is when I look at it to make sure the soil erosion control in that area is correct.

Mr. Astorino: We will put it to the Planning Board Engineer's specifications.

Laura Barca: Yes.

Mr. Bollenbach: Which comment is that for?

Laura Barca: It is a new comment.

Mr. Bollenbach: We will put that to the end of Comment #10, revise erosion control to Planning Board Engineer's specifications.

Mr. Kennedy makes a motion on the Richard and Joan Brady application, granting conditional Final Approval for a proposed 2-Lot subdivision, situated on tax parcel S 64 B 1 L 54; parcel located on the southern side of Brady Road approximately 730 feet southwest of Bowen Road Intersection, in the MT zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on December 7, 2011. Approval is granted subject to the following conditions:

1. TW ZBA: 280(a) driveway access to a private road; 2.9 acre area for Lot 2 (required area is 5 acres) – ZBA conditional final approval 09/26/11.
2. The ZBA approval language must be shown on the plans in its entirety.
3. Sheet 1 Note 11 should be revised to say in accordance with Planning Board Engineer's Specifications.
4. There is an existing 30" CMP pipe that is labeled as only CMP drainage pipe; the diameter, inlet, outlet, and slope of this pipe shall be shown on the drawing.
5. The Drainage Analysis, dated 08/31/11, states on the cover page that the 10-yr storm event was determined, while the calculation sheet states that the 25-yr storm event was determined; Applicant to clarify. Please provide rainfall intensity curves as backup information. Revise erosion control to Planning Board Engineer's specifications.
6. The Drainage Analysis, dated 08/31/11, states that the capacity of the proposed 30" concrete pipe is 76 cfs; however that assumes that the pipe is installed at a 6% slope.

Please confirm the inlet capacity of this structure based on the headwater depth available at the upstream end of the pipe.

7. Applicant to clarify how swale along Lot #2 is entering headwall to the culvert under the driveway.
8. There is currently a locked gate at the driveway entrance because it also services as an access road to two wireless telecommunications facility (WTF) properties. The Applicant must coordinate with the two WTFs and relocate the locked gate past the proposed driveway entrance to the proposed residential property along Tower Lane.
9. A note should be added to the plan stating that the barbed wire will be removed from residential properties where agricultural practices are no longer used prior to the Certificate of Occupancy being issued.
10. The estimated site distance along Brady Road after the clearing should be shown on the plans.
11. Owner of new lot will be responsible for maintenance of Tower Lane from Brady Road to the driveway for the new lot. Provide Right of Way Agreement with recording information to be placed on the map.
12. Approximately half of the lot frontage on this lot shows ownership of Brady Road. The owner may offer to dedicate this portion of the lot to the Town.
13. A note should be added to the plan referencing the conservation easement declaration information.
14. The declaration information for the Agricultural and Ridgeline Notes will need to be shown on the drawing.
15. Surveyor to certify that iron rods have been set at all property corners.
16. Payment of Recreational Fees.
17. Payment of all fees.

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

Karen Emmerich: Thank you.

PUBLIC HEARING OF Global Tower Partners

Application for Site Plan Approval and Special Use Permit for the “*Renewal*” of the Special Use Permit for the continued use of an existing wireless telecommunications facility, situated on tax parcel S 64 B 1 L 55; project located on the eastern side of Brady Road 1500± feet southeast of Bowen Road atop Tower Lane (207 Tower Lane), in the CO zone, of the Town of Warwick, County of Orange, State of New York.

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

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

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 11/02/11 no comments.
4. Architectural Review Board comments: 11/01/11 no comments.
5. Wireless Telecommunication Facility Board comments: pending
6. OCPD: 11/09/11 – no comments.
7. The existing vicinity map on Sheet T-1 is not legible. Frequently, tax maps are used and are legible when reproduced.
8. Sheet AD-1 (and all other sheets) should be revised to show the current property owner of 64-1-55 for clarity.
9. §164-79.A.(1)(a) The Planning Board must determine if additional landscaping should be installed.
10. All drainage features, including culverts at the site and along the driveway shall be located and shown on the site plan (Sheet C-1).
11. The location of Tower Lane (approximately ¾-mile access road to the site) is shown incorrectly on Sheet C-1; the location should be revised.
12. The 2010 tower survey (Exhibit H of the October 04, 2011 submittal (Post Modification Inspection Report) noted “lower priority” tower needs, which HDR assumes are not pressing for safe or operation compliant with the Town Code at this time. The Applicant should confirm this statement. It is recommended that the Applicant keep the Town Building Department apprised of future modification surveys and activities.
13. The maintenance of the driveway is likely a shared driveway agreement with the WTF at tax parcel 64-1-44. The current condition of the driveway is not in a condition that would allow emergency service vehicles access to these WTFs. Provide copies of any current extension of existing maintenance agreement.
14. The declaration information for the Ridgeline Overlay notes, Private Road notes and maintenance agreement, and the deed to the property must be added to the plan.
15. Payment of all fees.

After Planning Board Approval:

16. In accordance with §164-86.C, the Special Use Permit is valid for 5 years. At that time, the Special Use Permit must either be renewed before the Planning Board or the tower removed.
17. The tower owner, holder of the Special Use Permit, shall submit evidence of compliance with the FCC standards, including Radio Frequency Radiation (RFR), on a yearly basis to the Planning Board (§164-78.D).
18. The tower owner, holder of the Special Use Permit, shall be structurally inspect the tower annually; this report shall be certified by a Professional Engineer (§164-83.B).
19. After Planning Board Approval of a Special Use Permit, (which is valid for 5 years) notification must be given to the Building Department that the Special Use had been renewed.

The following comment submitted by the Conservation Board:

Global Tower Partners – None submitted.

The following comment submitted by the ARB:

Global Tower Partners – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: There is no SEQR needed on this application.

Comment #2: Applicant to discuss project.

Neal Alexander: We are here for the Renewal of a Special Use Permit for the continued use of an existing wireless telecommunications facility.

Comment #3: Conservation Board comments: 11/02/11 no comments.

Comment #4: Architectural Review Board comments: 11/01/11 no comments.

Comment #5: Wireless Telecommunication Facility Board comments: pending

Comment #6: OCPD: 11/09/11 – no comments.

Mr. Astorino: Laura, these comments here seem to be the standard engineering comments. Does anything stand out to you? Neal, do you want to discuss any of the comments?

Laura Barca: There is nothing here that stands out unless Neal has some questions.

Mr. Astorino: Let us bring up the condition of the road. Let me read Comment #13. The maintenance of the driveway is likely a shared driveway agreement with the WTF at tax parcel 64-1-44. The current condition of the driveway is not in a condition that would allow emergency service vehicles access to these WTF's. Provide copies of any current extension of existing maintenance agreement.

Mr. Bollenbach: I would like to add to Comment #13. Add to Comment #13, for modifications to Planning Board Attorney's specifications.

Mr. Astorino: That is fine. Neal, we know there is another party involved in this. But, your application is before us now. The bottom line is that the road is impassible

condition to get to those facilities. That has to be corrected. An agreement should be reached between you and the other parties.

Mr. Bollenbach: I just want to state something for the record. The hurricane was 3-months ago. The road is still impassible. Whatever mechanism that is in place right now, it is not functioning properly. We have to breed new life into it to ensure that we have a safe and adequate access for all parcels.

Mr. Astorino: I believe the other Tower holder that will be coming before us shortly, which is American Tower would have the same deal. The road needs to be fixed ASAP.

Mr. Bollenbach: See that you have some mechanism here so that the costs are shared.

Mr. Astorino: Right. They would have to get the same deal. They would have to have that agreement. They would have to share the cost for that road. Since you are before us now, we need that road to be fixed ASAP. We will take it up with American Tower once they come before the Planning Board.

Neal Alexander: I think that is what my client is looking for. He doesn't want to have 3 other parties to be free riders.

Mr. Astorino: No. I think all of the Board members agree with that.

Mr. McConnell: I don't remember this Board ever taking a position where somebody gets a free ride. I understand your concern. I don't take offense to that.

Neal Alexander: Ok. Thank you.

Mr. Astorino: With that being said, we do need the road repaired ASAP. Let's get that done. We will take it up with the other parties once they come before us.

Mr. Bollenbach: I want to mention Comment #14. The declaration information. That is fine. Regarding the deed, there is a deed that had been fully executed. I know that it hasn't been recorded. Let's get those details wrapped up.

Neal Alexander: Ok.

Mr. Astorino: We will list comments 7 through 19 for the record.

Comment #7: The existing vicinity map on Sheet T-1 is not legible. Frequently, tax maps are used and are legible when reproduced.

Comment #8: Sheet AD-1 (and all other sheets) should be revised to show the current property owner of 64-1-55 for clarity.

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

Comment #10: All drainage features, including culverts at the site and along the driveway shall be located and shown on the site plan (Sheet C-1).

Comment #11: The location of Tower Lane (approximately ¾-mile access road to the site) is shown incorrectly on Sheet C-1; the location should be revised.

Comment #12: The 2010 tower survey (Exhibit H of the October 04, 2011 submittal (Post Modification Inspection Report) noted "lower priority" tower needs, which HDR

assumes are not pressing for safe or operation compliant with the Town Code at this time. The Applicant should confirm this statement. It is recommended that the Applicant keep the Town Building Department apprised of future modification surveys and activities.

Comment #13: The maintenance of the driveway is likely a shared driveway agreement with the WTF at tax parcel 64-1-44. The current condition of the driveway is not in a condition that would allow emergency service vehicles access to these WTFs. Provide copies of any current extension of existing maintenance agreement.

Comment #14: The declaration information for the Ridgeline Overlay notes, Private Road notes and maintenance agreement, and the deed to the property must be added to the plan.

Comment #15: Payment of all fees.

After Planning Board Approval:

Comment #16: In accordance with §164-86.C, the Special Use Permit is valid for 5 years. At that time, the Special Use Permit must either be renewed before the Planning Board or the tower removed.

Comment #17: The tower owner, holder of the Special Use Permit, shall submit evidence of compliance with the FCC standards, including Radio Frequency Radiation (RFR), on a yearly basis to the Planning Board (§164-78.D).

Comment #18: The tower owner, holder of the Special Use Permit, shall be structurally inspect the tower annually; this report shall be certified by a Professional Engineer (§164-83.B).

Comment #19: After Planning Board Approval of a Special Use Permit, (which is valid for 5 years) notification must be given to the Building Department that the Special Use had been renewed.

Mr. McConnell: Did you buy assets or did you buy stocks?

Neal Alexander: What it looks like to me the way it was done, we bought stock as well as assets. It was an asset sale...

Mr. McConnell: You didn't insist that they execute the deed?

Mr. Bollenbach: It was executed. It was just never recorded.

Mr. McConnell: Wow.

Neal Alexander: I guess you are saying that there was no receipt filed. It was UCC filed. That is my guess.

Mr. McConnell: UCC saying what? UCC 1. Are you saying filing a lien on it? Is that what you are telling me?

Neal Alexander: No. They do it as a real estate venture.

Mr. McConnell: I gather that. I am expressing my surprise. How long along did this happen?

Neal Alexander: 3 or 4 years

Mr. McConnell: In my neighborhood that is called something that starts with a big M.

Neal Alexander: I understand where you are coming from.

Mr. McConnell: I would have expected you to anticipate these sorts of things and would have been prepared to discuss them.

Neal Alexander: You will get what you are looking for.

Mr. Astorino: Do any other Board members or Professionals have any comments? This is a public hearing. If there is anyone in the audience wishing to address the Global Tower application, please rise and state your name for the record. Let the record show no public comment.

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

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

Mr. Showalter makes a motion on the Global Tower Partners application, granting Site Plan and **“Renewal”** of Special Use Permit for the continued use of an existing wireless telecommunications facility, situated on tax parcel S 64 B 1 L 55; project located on the eastern side of Brady Road 1500± feet southeast of Bowen Road atop Tower Lane (207 Tower Lane), in the CO zone, of the Town of Warwick, County of Orange, State of New York. Approval is granted subject to the following conditions:

1. The existing vicinity map on Sheet T-1 is not legible. Frequently, tax maps are used and are legible when reproduced.
2. Sheet AD-1 (and all other sheets) should be revised to show the current property owner of 64-1-55 for clarity.
3. §164-79.A.(1)(a) The Planning Board must determine if additional landscaping should be installed.
4. All drainage features, including culverts at the site and along the driveway shall be located and shown on the site plan (Sheet C-1).
5. The location of Tower Lane (approximately ¾-mile access road to the site) is shown incorrectly on Sheet C-1; the location should be revised.
6. The 2010 tower survey (Exhibit H of the October 04, 2011 submittal (Post Modification Inspection Report) noted “lower priority” tower needs, which HDR assumes are not pressing for safe or operation compliant with the Town Code at this time. The Applicant should confirm this statement. It is recommended that the Applicant keep the Town Building Department apprised of future modification surveys and activities.
7. The maintenance of the driveway is likely a shared driveway agreement with the WTF at tax parcel 64-1-44. The current condition of the driveway is not in a condition that would allow emergency service vehicles access to these WTFs. Provide copies of any current extension of existing maintenance agreement or modifications to Planning Board Attorney’s specifications.
8. The declaration information for the Ridgeline Overlay notes, Private Road notes and maintenance agreement, and the deed to the property recording information must be added to the plan.
9. Tower Lane shall be improved to the Planning Board Engineer’s specifications prior to signing of the maps.
10. Payment of all fees.

After Planning Board Approval:

11. In accordance with §164-86.C, the Special Use Permit is valid for 5 years. At that time, the Special Use Permit must either be renewed before the Planning Board or the tower removed.
12. The tower owner, holder of the Special Use Permit, shall submit evidence of compliance with the FCC standards, including Radio Frequency Radiation (RFR), on a yearly basis to the Planning Board (§164-78.D).
13. The tower owner, holder of the Special Use Permit, shall be structurally inspect the tower annually; this report shall be certified by a Professional Engineer (§164-83.B).
14. After Planning Board Approval of a Special Use Permit, (which is valid for 5 years) notification must be given to the Building Department that the Special Use had been renewed.

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

Neal Alexander: Thank you.

Review of Submitted Maps:***Stephen Pennings, Et. Al. c/o Richard Pennings***

Application for Preliminary Approval of a proposed 4-Lot Cluster subdivision entitled, "***Orchard Valley***", situated on tax parcel S 51 B 1 L 36; parcel located along the southern side of State Highway 94 at the intersection of Warwick Turnpike (CR 12), in the RU/CB zones, of the Town of Warwick. Previously discussed at the 4/15/09 Planning Board meeting.

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 comments: pending
4. Architectural Review Board comments: pending
5. OCPD: pending
6. The bulk area table should be updated to reflect current conditions (e.g., lot area provided is not 66±, building height is not existing, etc).
7. The bulk requirements for the RU zone should be added to the plan.
8. The plans state that there are four property owners; all four owners should sign the application form or if there is a power of attorney, that documentation shall be submitted and the application re-signed.
9. The existing well and septic areas should be shown for Lot 1.
10. The area for a replacement septic on Lot 1 should be shown on the plan if the existing septic system fails.
11. The sight distance should be shown along Warwick Turnpike at the location of the new driveway entrance.
12. The Applicant should remove the three exclusion areas, show any access necessary through the PDR easement, and show the potential septic system location on the PDR easement property.
13. A note should be added to the plan stating that the notes and details on the March 18, 2009 approved site plan shall apply to this subdivision plan.
14. A note should be added to the plan stating that this property was accepted into the Agricultural Protection Overlay (AP-O) by the Warwick Town Board on January 18, 2007 by resolution R2007-63.
15. A note should be added to the plan stating that the parcel is located within the Agricultural Protection Overlay District (AP-O) and in accordance with the Town of Warwick §164-47.3C(4) "Lots within the AP-O District qualifying area, there were in existence on January 01, 2002 may be subdivided for one additional residential lot in accordance with the Table of Bulk Requirements of the 1989 Zoning Law for the underlying zoning district."
16. The proposed area of disturbance must be shown on the drawing and clearly called out in a note on the plan.
17. The proposed well on Lot 3 should be shown to be at least 50-ft from the outer subdivision boundary.
18. The scale for the plan shown on Sheet 2 should be shown (appears to be 40 scale).

19. The Applicant should clarify what the surface finish of the 2:1 slopes on Lots 3 and 4 will be and how these slopes will be maintained.
20. Although the slope of the common driveway is less than 10%, the slopes of the both driveways (Lots 3 and 4) are shown to be approximately 12% and would be required to be paved in their entirety (§79.3.C). A note should be added to the plan to clarify.
21. Applicant to clarify what measures will be installed to protect the proposed homes and driveways from the stormwater flow from higher elevations.
22. The swale detail on Sheet 3 of 3 should include details clarifying the proposed surface covering.
23. The rip-rap outlet detail on Sheet 3 of 3 lacks details, dimensions, and the rip-rap sizing chart that is referenced.
24. A detail needs to be added for the common driveway.
25. A detail needs to be added for the two driveways (Lots 3 and 4).
26. Applicant to confirm that existing signage is in accordance with Town Code §164-43.1.
27. Applicant to confirm that existing lighting is in accordance with Town Code §164-43.4.
28. There is a site plan for Pennings Farm Market that received final approval and the maps were signed by the Chairman on 03/18/09. The site improvements on this plan have not been installed in accordance with the plan.
29. The agricultural, aquifer, ridgeline, & private roadway notes must be added to the plan.
30. Proper documentation should be added to the plan to ensure that the marginal access road alignment is consistent with adjacent lots.
31. Easement descriptions and proper documentation for the future marginal access road must be submitted.
32. The declaration information for the Ridgeline Overlay District, Aquifer Protection Overlay District, and Agricultural Overlay District will need to be shown on the plan.
33. A private roadway easement and agreement must be prepared and submitted.
34. Surveyor to certify that iron rods have been set at all property corners.
35. A bond for the common driveway shall be determined to the Planning Board Engineer's specification.
36. Payment of parkland fees.
37. Payment of all fees.

The following comment submitted by the Conservation Board:

Orchard Valley – None submitted.

The following comment submitted by the ARB:

Orchard Valley – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The proposed 4-Lot subdivision is an Unlisted Action under SEQR. There are no other involved agencies. The Planning Board could go ahead and declare itself Lead Agency.

Mr. Showalter 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: Pennings-Orchard Valley 4 Lot Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by Steven Pennings, et. al for a \pm 67 acre parcel of land located at NYS Route 94 and County Route 21, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 10-25-11 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 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 current application before the Board is a further iteration of the Orchard Valley subdivision. The Board is aware that the Pennings family is in possession of 3 tax parcels. The parcels are located off Route 94. Two of the parcels belong to Jack Pennings. Mr. Pennings has opted to do PDR with his two pieces. Looking at the map, this is the 3rd parcel that is located on the corner of Route 94 and Warwick Turnpike. It has the Pennings Farm Stand on it as well some of the orchard lands. At this time, Mr. Pennings sent the application to subdivide off the Farm Stand on approximately 9.1 acres of land. That line generally coincides with the Zoning District boundary plus 50 feet for the marginal access road. In addition to that, there are 2 proposed single-family lots at the top of the property with the center portion being around 53 acres slated to be placed in the PDR program.

Comment #3: Conservation Board comments: pending

Comment #4: Architectural Review Board comments: pending

Comment #5: OCPD: pending

Mr. Astorino: Laura, these other comments seem to be engineering in nature. Do any comments stand out to you and Kirk?

Laura Barca: No. Kirk, do you have any questions?

Kirk Rother: I don't have any problems with any of these comments. There is only one comment that I want to get classification on. It was the comment that said I should show any of the possible improvements on the open space parcel. The reason being is because of the experience you had in the past with Brady because of the easements. Now today, John says I should take all PDR written stuff off the maps.

Mr. Bollenbach: Yes. There was just one. Take a look at what we did with Edsall Farm. Just to locate a future Farmstead complex. There was some notation that we had on the Edsall Farm map. I think that could be carried over just to indicate for illustrative purposes on how you demonstrated that this is the location that may be suitable for a future Farmstead complex. That would be the only reference to PDR or conservation easement.

Laura Barca: Doesn't there have to be the access there?

Mr. Bollenbach: Yes. Show the access.

Mr. Astorino: Yes. Just show the access. As long as you could get to it. That was what we did not see on the map.

Laura Barca: Right. But this one doesn't have an access.

Mr. Bollenbach: Edsall Farm has an existing access there. They would have to go to the County DOT anyhow for this for the new access up above. You might as well get an access for this one also.

Mr. Astorino: Ok. Do any Board members or Professionals have any comments. We discussed this well at the Work Session.

Laura Barca: Where Kirk had said that this property would generally line up with Jack's property as far as the marginal access road, comment #30 makes it line up.

Mr. Astorino: Make it line up.

Kirk Rother: John McGloin is the Surveyor for both projects. I will make sure John checks that.

Mr. Astorino: Ok. We will list comments 6 through 37 for the record. Kirk, do you wish to be set for a public hearing?

Kirk Rother: Yes. We wish to be set for a public hearing.

Mr. McConnell makes a motion to set the Orchard Valley Subdivision for a Preliminary Public Hearing at the next available agenda.

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

Kirk Rother: Thank you.

Comment #6: The bulk area table should be updated to reflect current conditions (e.g., lot area provided is not 66±, building height is not existing, etc).

Comment #7: The bulk requirements for the RU zone should be added to the plan.

Comment #8: The plans state that there are four property owners; all four owners should sign the application form or if there is a power of attorney, that documentation shall be submitted and the application re-signed.

Comment #9: The existing well and septic areas should be shown for Lot 1.

Comment #10: The area for a replacement septic on Lot 1 should be shown on the plan if the existing septic system fails.

Comment #11: The sight distance should be shown along Warwick Turnpike at the location of the new driveway entrance.

Comment #12: The Applicant should remove the three exclusion areas, show any access necessary through the PDR easement, and show the potential septic system location on the PDR easement property.

Comment #13: A note should be added to the plan stating that the notes and details on the March 18, 2009 approved site plan shall apply to this subdivision plan.

Comment #14: A note should be added to the plan stating that this property was accepted into the Agricultural Protection Overlay (AP-O) by the Warwick Town Board on January 18, 2007 by resolution R2007-63.

Comment #15: A note should be added to the plan stating that the parcel is located within the Agricultural Protection Overlay District (AP-O) and in accordance with the Town of Warwick §164-47.3C(4) "Lots within the AP-O District qualifying area, there were in existence on January 01, 2002 may be subdivided for one additional residential lot in accordance with the Table of Bulk Requirements of the 1989 Zoning Law for the underlying zoning district."

Comment #16: The proposed area of disturbance must be shown on the drawing and clearly called out in a note on the plan.

Comment #17: The proposed well on Lot 3 should be shown to be at least 50-ft from the outer subdivision boundary.

Comment #18: The scale for the plan shown on Sheet 2 should be shown (appears to be 40 scale).

Comment #19: The Applicant should clarify what the surface finish of the 2:1 slopes on Lots 3 and 4 will be and how these slopes will be maintained.

Comment #20: Although the slope of the common driveway is less than 10%, the slopes of the both driveways (Lots 3 and 4) are shown to be approximately 12% and would be required to be paved in their entirety (§79.3.C). A note should be added to the plan to clarify.

Comment #21: Applicant to clarify what measures will be installed to protect the proposed homes and driveways from the stormwater flow from higher elevations.

Comment #22: The swale detail on Sheet 3 of 3 should include details clarifying the proposed surface covering.

Comment #23: The rip-rap outlet detail on Sheet 3 of 3 lacks details, dimensions, and the rip-rap sizing chart that is referenced.

Comment #24: A detail needs to be added for the common driveway.

Comment #25: A detail needs to be added for the two driveways (Lots 3 and 4).

Comment #26: Applicant to confirm that existing signage is in accordance with Town Code §164-43.1.

Comment #27: Applicant to confirm that existing lighting is in accordance with Town Code §164-43.4.

Comment #28: There is a site plan for Pennings Farm Market that received final approval and the maps were signed by the Chairman on 03/18/09. The site improvements on this plan have not been installed in accordance with the plan.

Comment #29: The agricultural, aquifer, ridgeline, & private roadway notes must be added to the plan.

Comment #30: Proper documentation should be added to the plan to ensure that the marginal access road alignment is consistent with adjacent lots.

Comment #31: Easement descriptions and proper documentation for the future marginal access road must be submitted.

Comment #32: The declaration information for the Ridgeline Overlay District, Aquifer Protection Overlay District, and Agricultural Overlay District will need to be shown on the plan.

Comment #33: A private roadway easement and agreement must be prepared and submitted.

Comment #34: Surveyor to certify that iron rods have been set at all property corners.

Comment #35: A bond for the common driveway shall be determined to the Planning Board Engineer's specification.

Comment #36: Payment of parkland fees.

Comment #37: Payment of all fees.

Edsall Farm – 4-Lot Subdivision

Application for Preliminary Approval of a Proposed 4-Lot (Major) subdivision, situated on tax parcel S 2 B 2 L 35.22; parcel located on both sides of County Highway 88 west of C.R. 1, in the SL/AI zones of the Town of Warwick.

Representing the applicant: Anthony Trochiano from Pietrzak & Pfau Engineering.
Bruce Katona, Applicant.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: pending
4. Architectural Review Board comments: pending
5. OCPD: pending
6. The Applicant must clarify the status of the Building Department violation for an unsafe structure; current letter from Building Department to Town Board dated 11/23/11.
7. It should be clarified if the wells on Lots 2 and 4 are existing or proposed.
8. Lots 1 and 2 have existing dwellings; the drawing should clarify that the replacement septic systems will be installed upon failure of the current system.
9. The separation distance between the existing well and proposed septic should be clarified using the OCDOH protocol for distances between 100 and 200-ft.
10. The purpose of the existing wells (Lot 4) shall be noted and if the well(s) are to remain; this shall be noted.
11. The sight distance should be shown along Liberty Corners Road at the location of all driveway entrances.
12. The proposed area of disturbance must be shown on the drawing and clearly called out in a note on the plan. Area of disturbance is called out on the short EAF as 1.2 acres, PB to determine how to handle this.
13. The slopes of the four driveways shall be called out on the plan. If the slopes are greater than 10%, the driveways would be required to be paved in their entirety (§79.3.C).
14. The Applicant to clarify if the existing driveway for Lot #4 will be used for a future farm market; if so, the profile and roadway stationing should be shown.
15. A note should be added to the plan stating that this property was accepted into the Agricultural Protection Overlay (AP-O) by the Warwick Town Board on November 10, 2011 by resolution R2011-268.
16. A note should be added to the plan stating that the parcel is located within the Agricultural Protection Overlay District (AP-O) and in accordance with the Town of Warwick §164-47.3C(4) “Lots within the AP-O District qualifying area, there were in existence on January 01, 2002 may be subdivided for one additional residential lot in accordance with the Table of Bulk Requirements of the 1989 Zoning Law for the underlying zoning district.”
17. Applicant to clarify if there is any existing fencing around the cemetery.
18. Any barbed wire fencing that will become part of a residential lot and is no longer used for agricultural purposes must be removed in accordance with §164-41.C.(4)(f) prior to the issuance of a Certificate of Occupancy.
19. 9-1-1 addresses to be obtained from the Town and shown on the drawing.
20. The driveway detail on Sheet 4 must be updated to be consistent with §A168-19 (driveway specifications).

21. A note should be added to the plan stating that a permit from OCDPW is required prior to installation of the driveways for Lots 3 and 4.
22. Applicant to confirm that existing signage is in accordance with §164-43.1 of the Town Code.
23. Applicant to confirm that existing lighting is in accordance with §164-43.4 of the Town Code.
24. The metes and bounds for Edsall Lane shall be added to the plans to clarify the boundary of it.
25. There is reference to an existing right-of-way for Edsall Lane (20-ft wide ROW), but the liber and page should be added to the plans.
26. The agricultural and aquifer notes must be added to the plan set.
27. The declaration information for the Aquifer Protection Overlay District and Agricultural Overlay District will need to be shown on the plan.
28. A private roadway easement and agreement must be prepared and submitted to the Town.
29. Surveyor to certify that iron rods have been set at all property corners.
30. Payment of parkland fees.
31. Payment of all fees.

The following comment submitted by the Conservation Board:

Edsall Farm – None submitted.

The following comment submitted by the ARB:

Edsall Farm – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This is similar to the Orchard Valley application where had been a previous subdivision application filed. The Edsall Farm subdivision is now a 4-Lot subdivision. It is an Unlisted Action. The applicant has provided us with the short EAF. There are no other involved agencies. The Planning Board could go ahead and declare itself Lead Agency.

Mr. Showalter makes a motion for Lead Agency.

Seconded by Mr. Kennedy. 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: Edsell 4 Lot Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by Edsell Farm LLC, for a ± 91.24 acre parcel of land located at Liberty Corners Road southwest of County Route 1, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 11-15-11 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.

Anthony Trochiano: This application just like the previous application you had is also pursuing into the PDR program. The Edsall Farm subdivision application is for a 4-Lot subdivision. It is located in the SL/AI zones. It is also located in the 3 Overlay Districts which are the Traditional Overlay District, Aquifer Overlay District, and Agricultural Overlay District. The 4-lots that we are proposing, the 4th lot the large parent parcel would be an area for agricultural use. Lot 1 would be comprised of the existing large house and barn. That lot would be served by an existing well and septic. The 2nd lot, which is located across C.H. 88 has a small dwelling on it. The 3rd lot is something different that we made a change on since the last Work Session. We relocated Lot 3. Looking at the map, it was originally located in this corner. We had some issues with sight distance looking to the east. We relocated that lot over here where it is a little flatter so that the sight distance would be better. Everything that is proposed has a well and septic. The other change that was done since we last met was Lot 2 has been made smaller. I shrunk it down to 1.5 acres, which it meets the SL zoning requirements.

Mr. Bollenbach: What note do you have on there for the future farmstead complex?

Anthony Trochiano: Right now, I just list it as a proposed farmstead dwelling and well.

Mr. Bollenbach: Is there some verbiage that was added as a map note?

Anthony Trochiano: Not yet. When we resubmit, I will make sure that map note is on there.

Mr. Bollenbach: Ok.

Comment #3: Conservation Board comments: pending

Comment #4: Architectural Review Board comments: pending

Comment #5: OCPD: pending

Mr. Astorino: The Planning Board had done a site visit. I believe it was the Board's consensus that the one barn out there by the County Highway is the one to be removed. Is that correct?

Mr. McConnell: Yes. It is the one on the south side.

Comment #6: The Applicant must clarify the status of the Building Department violation for an unsafe structure; current letter from Building Department to Town Board dated 11/23/11.

Mr. Astorino: That also runs into with Comment #6. Laura, when we looked at that letter it seemed to be for that structure. I know they took pictures on the other side of the road.

Laura Barca: Right. But the concern was not because of the closeness of the road.

Bruce Katona: We will clarify that.

Mr. Astorino: I believe that was the one. You will need to add a note to the plan stating that structure is to be removed or to be removed before this process goes too much further.

Mr. Bollenbach: Has it been removed yet?

Mr. Astorino: No.

Laura Barca: No.

Mr. Astorino: You will need to get that barn down.

Mr. Bollenbach: You will need to get that barn down ASAP. You will need to file a demolition permit immediately.

Bruce Katona: At the workshop, we were looking for clarification on that.

Mr. Astorino: That is our recommendation.

Mr. McConnell: We had convinced ourselves that it was no longer being used.

Mr. Astorino: Yes.

Mr. McConnell: Since it is not being used and it is so close to the road. Let's get it down in a controlled fashion. The rest of these comments seem to be engineering comments. Laura, do any of these comments stand out to you?

Bruce Katona: I have one. The comment that deals with the driveway the existing condition for Lot #4. I don't know if it is proper to ask for a waiver from that.

Laura Barca: I believe you are talking about Comment #14, that states the Applicant to clarify if the existing driveway for Lot #4 will be used for a future farm market; if so, the profile and roadway stationing should be shown.

Bruce Katona: Ok.

Anthony Trochiano: Also, Comment #13 that deals with the slopes of the four driveways that are greater than 10%. He is requesting that we utilize it as it is.

Mr. Bollenbach: I would get the approval to show that it is supposed to be paved because there are excessive slopes.

Mr. Astorino: If it is over 10%?

Bruce Katona: Ok.

Mr. McConnell: John, in the past haven't we had them to demonstrate what is there, etc...that we might consider a waiver of the paving because it is an existing?

Mr. Bollenbach: We just granted a waiver on the Brady application for the existing road that is not paved.

Mr. McConnell: Right. If they feel strongly about it, make a case and demonstrate to us why it would be appropriate for us to issue a waiver for those requirements.

Mr. Bollenbach: The thing is with this particular case, they are proposing additional construction in the area where it is steep. This would be more in the line with the failed area of Tower Lane on the Brady application. We are just trying to be a little proactive.

Mr. McConnell: Yes.

Bruce Katona: We will make that case and try to demonstrate it for you. If not, then we would do what we have to do.

Mr. Bollenbach: Ok.

Laura Barca: I think the best way to make that case is to show the Planning Board the profile so we could see what it actually looks like and what that existing condition is.

Mr. Astorino: Yes. Exactly. We don't know what it is right now. Do any Board members or Professionals have any other concerns? We will list Comments 7 through 31 for the record. Do you request to be set for a public hearing at the next available agenda?

Bruce Katona: Yes.

Mr. McConnell makes a motion to set the Edsall Farm 4-Lot Subdivision application for a Preliminary Public Hearing at the next available agenda.

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

Bruce Katona: Thank you.

Anthony Trochiano: Thank you.

Comment #7: It should be clarified if the wells on Lots 2 and 4 are existing or proposed.

Comment #8: Lots 1 and 2 have existing dwellings; the drawing should clarify that the replacement septic systems will be installed upon failure of the current system.

Comment #9: The separation distance between the existing well and proposed septic should be clarified using the OCDOH protocol for distances between 100 and 200-ft.

Comment #10: The purpose of the existing wells (Lot 4) shall be noted and if the well(s) are to remain; this shall be noted.

Comment #11: The sight distance should be shown along Liberty Corners Road at the location of all driveway entrances.

Comment #12: The proposed area of disturbance must be shown on the drawing and clearly called out in a note on the plan. Area of disturbance is called out on the short EAF as 1.2 acres, PB to determine how to handle this.

Comment #13: The slopes of the four driveways shall be called out on the plan. If the slopes are greater than 10%, the driveways would be required to be paved in their entirety (§79.3.C).

Comment #14: The Applicant to clarify if the existing driveway for Lot #4 will be used for a future farm market; if so, the profile and roadway stationing should be shown.

Comment #15: A note should be added to the plan stating that this property was accepted into the Agricultural Protection Overlay (AP-O) by the Warwick Town Board on November 10, 2011 by resolution R2011-268.

Comment #16: A note should be added to the plan stating that the parcel is located within the Agricultural Protection Overlay District (AP-O) and in accordance with the Town of Warwick §164-47.3C(4) "Lots within the AP-O District qualifying area, there were in existence on January 01, 2002 may be subdivided for one additional residential lot in accordance with the Table of Bulk Requirements of the 1989 Zoning Law for the underlying zoning district."

Comment #17: Applicant to clarify if there is any existing fencing around the cemetery.

Comment #18: Any barbed wire fencing that will become part of a residential lot and is no longer used for agricultural purposes must be removed in accordance with §164-41.C.(4)(f) prior to the issuance of a Certificate of Occupancy.

Comment #19: 9-1-1 addresses to be obtained from the Town and shown on the drawing.

Comment #20: The driveway detail on Sheet 4 must be updated to be consistent with §A168-19 (driveway specifications).

Comment #21: A note should be added to the plan stating that a permit from OCDPW is required prior to installation of the driveways for Lots 3 and 4.

Comment #22: Applicant to confirm that existing signage is in accordance with §164-43.1 of the Town Code.

Comment #23: Applicant to confirm that existing lighting is in accordance with §164-43.4 of the Town Code.

Comment #24: The metes and bounds for Edsall Lane shall be added to the plans to clarify the boundary of it.

Comment #25: There is reference to an existing right-of-way for Edsall Lane (20-ft wide ROW), but the liber and page should be added to the plans.

Comment #26: The agricultural and aquifer notes must be added to the plan set.

Comment #27: The declaration information for the Aquifer Protection Overlay District and Agricultural Overlay District will need to be shown on the plan.

Comment #28: A private roadway easement and agreement must be prepared and submitted to the Town.

Comment #29: Surveyor to certify that iron rods have been set at all property corners.

Comment #30: Payment of parkland fees.

Comment #31: Payment of all fees.

Other Considerations:

1. **Watchtower Bible & Tract Study** – Planning Board to discuss FEIS.

Mr. Astorino: We are in receipt of the FEIS. We are reviewing the FEIS.

2. **Fusco Subdivision** – Letter from Dave Higgins, Lanc & Tully Engineering dated 11/10/11 addressed to the Planning Board in regards to the Fusco Subdivision – requesting a 6-Month Extension on Preliminary Approval for filing a 13-Lot cluster subdivision in Sections and Final Approval for Section I to consist of a proposed 4-Lot cluster subdivision, situated on tax parcel SBL # 18-1-31.2; parcel located along the southern side of Taylor Road with Jessup Road, in the RU zone. Preliminary and Conditional Final Approval was granted on, 6/15/11. *The applicant has stated that they have been working on the conditions of final approval which include the setting of stone cairns for the delineation of protected open space, the addition of some minor notes to the plans, and the filing of declarations for the Ridgeline & Ag notes. The applicant anticipate having these items completed in the near future, the timeframe for filing of the subdivision may go beyond 12/15/11.* The 6-Month Extension becomes effective on, 12/15/11.

Mr. McConnell: I would like to make a comment that ought to commend Dave Higgins on the letter he wrote to us. I find it to be very professional and educational unlike some of the other letters that we get.

Mr. McConnell makes a motion on the Fusco Subdivision application, granting a 6-Month Extension on Preliminary Approval for filing a 13-Lot cluster subdivision in Sections and Final Approval for Section I to consist of 4-Lots. SBL # 18-1-31.2. Preliminary Approval and Conditional Final Approval was granted on, 6/15/11. The 6-Month Extension becomes effective on, 12/15/11.

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

3. **Adele Grill Subdivision** – Letter from Adele Grill, dated 12/1/11 addressed to the Planning Board in regards to the Grill Subdivision – requesting a 6-Month Extension on 4th Re-Approval of 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 Turnpike, in the RU zone. Amended Final Approval was granted on 7/15/09 became effective on 5/7/09. *The applicant has stated due to the continued depressed economy and financial problems the extension is needed.* The 6-Month Extension becomes effective on, 11/7/11.

Connie Sardo: Please give her the extension.

Mr. Astorino: You said it all.

Laura Barca: Would it be conditional upon us checking out the cathouse?

Mr. Astorino: Right. We will go check that house out.

Laura Barca: Ok.

Mr. Kennedy makes a motion on the Adele Grill Subdivision application, granting a 6-Month Extension on 4th Re-Approval of Final Approval of a proposed 4-Lot cluster subdivision. (SBL # 29-1-71 & 72). Amended Final Approval was granted on 7/15/09 became effective on, 5/7/09. The 6-Month Extension becomes effective on, 11/7/11.

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

4. **Planning Board Minutes of 11/2/11** – Planning Board Minutes of 11/2/11 for Planning Board Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 11/2/11.

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

5. Planning Board to discuss cancelling the 12/12/11 Work Session & the 12/21/11 Planning Board meeting due to no submittals. Planning Board to discuss cancelling the 12/26/11 Work Session & the 1/4/12 Planning Board meeting due to the Christmas Holidays.

Mr. McConnell makes a motion to cancel the 12/12/11 Work Session, 12/21/11 Planning Board meeting, 12/26/11 Work Session, and the 1/4/12 Planning Board meeting.

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

Correspondences:

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

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

Mr. Astorino: If there is anyone in the audience wishing to address any of the agenda items, please rise and state your name for the record. Let the record show no public comment. I would like to wish the Board and everyone a Very Merry Christmas and a Happy New Year!

Mr. McConnell makes a motion to adjourn the December 7, 2011 Planning Board meeting.

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