

TOWN OF WARWICK PLANNING BOARD

December 18, 2013

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, December 18, 2013 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

Mr. Astorino: Before we start our meeting tonight, I would like to make a short announcement. Our previous Planning Board Secretary, Sally McGovern recently passed away. I would like to have a moment of silence for her. Thank you.

PUBLIC HEARING OF Maria Bozzone #2

Application for Site Plan Approval for the construction and use of a steel elevated driveway. It will be used by the residents for access to their home with suitable grades and stairs for elderly access, located within "A Designated Protection Area" of Greenwood Lake, situated on tax parcel S 73 B 9 L 30.21; project located on the south side of Lodge Drive 103 feet of centerline (13 Lodge Drive), in the SM zone, of the Town of Warwick, County of Orange, State of New York. Continued Public Hearing from the 11/20/13 Planning Board Meeting

Representing the applicant: Emanuel Posluszny, Poz Engineering

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments – 12/14/13 no comments
4. Architectural Review Board comments – pending
5. Greenwood Lake Commission Comments – pending
6. OCPD: 04/24/13 no advisory comments
7. Applicant to submit proof of a septic pump, as requested by the Building Department.
8. The Applicant should check the Town's webpage to determine if the property is within the Town's five overlay districts and add information to the drawing set. The zoning map is shown on Sheet ENV-1, but the five overlay districts are not shown. The entire mapping of the overlay districts is not necessary; a table must be added showing if the property is included within each of the five overlay districts.
9. Sheet C2, Note 4 shall be revised as follows: "Ingress and Egress: Bozzone is responsible for the Contractor to use equipment that will access the work site without damage, trespass, or destruction to the property of adjacent landowners."

10. A note shall be added to the plan stating that Lodge Drive can not be blocked for other residents during the time of this construction.
11. A note shall be added to the site plan stating that Site plan non-compliance shall result in the issuance of a Stop Work Order from the Building Department.
12. All projects within 100-ft of Greenwood Lake must submit a full-size plan and cover letter to the Greenwood Lake Commission.
13. According to §150-4, over 0.25-acre is not allowed to be cleared without a permit from the building department citing any planning board requirements. Applicant to verify area of disturbance. A note must be added to the plan set. A note was added to Sheet A-1 and C-2, but it must be modified to state that the Total Acreage OF DISTURBANCE is less than 0.01 acres, if that is the case. Sheet A-1 was update, Sheet C-2 was not updated.
14. The colors, including reflectivity, must be shown on the plan. The color(s) selected must be added to the plan set. The paint color is stated on Sheet ENV-1 (medium gray with reflectivity less than 60%); a paint sample must be provided and a note specifying the paint color must be added to the plan (Valspar Dusty Lead 4002-2B or approved equal).
15. Photometric data not provided, as noted in §164-43.4C and §164-43.4E(4) to illustrate lighting levels at the property line. Photometrics appear to be provided on Sheet E-1 and E-2 but the font type needs to be darker in order to be readable.
16. A note must be added to the plan stating the motion sensor details and timing of the lights on and off, etc.
17. Based on the plans submitted, it appears that the XPL lighting fixture is intended to be place across the parking deck. Please verify that this fixture can withstand any potential vehicle traffic.
18. Lighting fixture XPL is an upward facing light. Please verify that this meets §164-43.4, where all lighting fixtures are shielded/facing downward; and §164-43.4E(2)(a) noting that uplighting is prohibited.
19. Applicant to add a note regarding lamp or fixture substitution, as noted in §164-43.4C(2).
20. Applicant to verify conformance with the Town's signage code, as applicable. Applicant to clarify if signage is needed; allowed weight on the structure, etc. A detail must be added to the weight limit sign. Dimensions must be added to the sign detail.
21. The clear heights of the structure and the right-of-way width must be shown on Sheet S-1 and S-3. Applicant to clarify if a brace would restrict the height in the area of the right-of-way.
22. The elevations do not seem consistent between the survey and the structural drawings. Applicant to clarify if two different elevation systems are being used.
23. The guard rails shall conform to guards for persons per the RCNYS with a maximum opening of less than 4".
24. Applicant to add a stair detail to Sheet S-3.
25. Please verify how storm water will be managed at the end of the parking ramp.
26. The 7209 note (the "unauthorized alteration..." note) is missing on all drawings prepared by an engineer.
27. Please clarify if POZ Engineering has a Certificate of Authorization in New York State.
28. Provide a map note stating that, "No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." Already on Sheet S-1 Floor Framing Note 17, Drawings E-1 and E-2
29. A note shall be added to the plan stating that construction work shall not take place on Saturdays, Sundays, or legal holidays.
30. A note shall be added to the plan stating that the duration of the Building Department permit shall be limited to six months.
31. Surveyor to certify that iron rods have been set at all property corners.
32. Payment of all appropriate bonds \$7,500.00 (private road) and inspection fees.

33. Payment of all fees.

The following comment submitted by the Conservation Board, dated 12/18/13

Maria Bozzone #2 – The CB has no comment on this application.

The following comment submitted by the ARB:

Maria Bozzone #2 – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: This SEQR comment has been prepared by Mr. Ted Fink, dated 12/18/13: *“At its meeting on May 15, 2013, the Planning Board classified this application for Site Plan approval as a Type 2 Action under SEQR. The proposed parking area meets the SEQR threshold found in the Type 2 list under 6NYCRR 617.5(c) (10) because it consists of “construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;” As a Type 2 Action, no further review or SEQR actions need to be taken by the Planning Board.”*

Comment #2: Applicant to discuss project.

Mr. Astorino: Please give us a quick version. We are all familiar with the project.

Emanuel Posluszny: Since the last meeting there were concerns about the view. I have done some CAD drawings. I have submitted them.

Mr. Astorino: Yes. We have seen those at the Work Session.

Emanuel Posluszny: It doesn't impede any vision. You could see it only at certain angles. It doesn't impair any view of the lake whatsoever. All it does is impede the view of the neighbor's house. That is the only impact that I see.

Mr. Astorino: Do any Board Members or Professional have any comments on the drawings that we had seen at the Work Session? Ok. Laura regarding the rest of these comments, I believe they are all the same. I know that mine is different.

Comment #3: Conservation Board comments – 12/14/13 no comments

Comment #4: Architectural Review Board comments – pending

Comment #5: Greenwood Lake Commission Comments – pending

Comment #6: OCPD: 04/24/13 no advisory comments

Comment #7: Applicant to submit proof of a septic pump, as requested by the Building Department.

Comment #8: The Applicant should check the Town's webpage to determine if the property is within the Town's five overlay districts and add information to the drawing set. The zoning map is shown on Sheet ENV-1, but the five overlay districts are not shown. The entire mapping of the overlay districts is not necessary; a table must be added showing if the property is included within each of the five overlay districts.

Comment #9: Sheet C2, Note 4 shall be revised as follows: "Ingress and Egress: Bozzone is responsible for the Contractor to use equipment that will access the work site without damage, trespass, or destruction to the property of adjacent landowners."

Emanuel Posluszny: Yes. That will be addressed by the Contractor.

Mr. Astorino: That note has to be on the plan.

Comment #10: A note shall be added to the plan stating that Lodge Drive can not be blocked for other residents during the time of this construction.

Emanuel Posluszny: That will be in the construction documents.

Mr. Astorino: That would also need to be on the plans.

Emanuel Posluszny: Yes.

Comment #11: A note shall be added to the site plan stating that Site plan non-compliance shall result in the issuance of a Stop Work Order from the Building Department.

Mr. Astorino: That would be standard operating procedure. You will need to follow the plans.

Comment #12: All projects within 100-ft of Greenwood Lake must submit a full-size plan and cover letter to the Greenwood Lake Commission.

Comment #13: According to §150-4, over 0.25-acre is not allowed to be cleared without a permit from the building department citing any planning board requirements. Applicant to verify area of disturbance. A note must be added to the plan set. A note was added to Sheet A-1 and C-2, but it must be modified to state that the Total Acreage OF DISTURBANCE is less than 0.01 acres, if that is the case. Sheet A-1 was update, Sheet C-2 was not updated.

Comment #14: The colors, including reflectivity, must be shown on the plan. The color(s) selected must be added to the plan set. The paint color is stated on Sheet ENV-1 (medium gray with reflectivity less than 60%); a paint sample must be provided and a note specifying the paint color must be added to the plan (Valspar Dusty Lead 4002-2B or approved equal).

Comment #15: Photometric data not provided, as noted in §164-43.4C and §164-43.4E(4) to illustrate lighting levels at the property line. Photometrics appear to be provided on Sheet E-1 and E-2 but the font type needs to be darker in order to be readable.

Comment #16: A note must be added to the plan stating the motion sensor details and timing of the lights on and off, etc.

Comment #17: Based on the plans submitted, it appears that the XPL lighting fixture is intended to be place across the parking deck. Please verify that this fixture can withstand any potential vehicle traffic.

Comment #18: Lighting fixture XPL is an upward facing light. Please verify that this meets §164-43.4, where all lighting fixtures are shielded/facing downward; and §164-43.4E(2)(a) noting that uplighting is prohibited.

Comment #19: Applicant to add a note regarding lamp or fixture substitution, as noted in §164-43.4C(2).

Comment #20: Applicant to verify conformance with the Town's signage code, as applicable. Applicant to clarify if signage is needed; allowed weight on the structure, etc. A detail must be added to the weight limit sign. Dimensions must be added to the sign detail.

Mr. Astorino: That would be for the weight limit sign. It has to be a standard sign.

Laura Barca: Right. The sign is on there. But you will need the actual dimensions of the sign.

Emanuel Posluszny: The Code states that the dimensions have to be as small as possible but seeable.

Laura Barca: Right. But when you do your plans, you would have to show what the numbers are.

Emanuel Posluszny: Didn't I put that in there?

Laura Barca: No.

Emanuel Posluszny: Ok.

Mr. Astorino: They are standard signs. Laura, I could give you the dimensions that makes sense.

Laura Barca: Ok. It's a minor point, but it needs to be on the plans.

Mr. Bollenbach: It is not under the Sign Regulations. We are using standard highway signage. It would say something like weight limit 5 tons or 10 tons, whatever it may be.

Mr. Astorino: It would probably be a 12x18 sign. It is not a very big sign.

Emanuel Posluszny: Ok.

Comment #21: The clear heights of the structure and the right-of-way width must be shown on Sheet S-1 and S-3. Applicant to clarify if a brace would restrict the height in the area of the right-of-way.

Comment #22: The elevations do not seem consistent between the survey and the structural drawings. Applicant to clarify if two different elevation systems are being used.

Comment #23: The guard rails shall conform to guards for persons per the RCNYS with a maximum opening of less than 4".

Comment #24: Applicant to add a stair detail to Sheet S-3.

Comment #25: Please verify how storm water will be managed at the end of the parking ramp.

Comment #26: The 7209 note (the "unauthorized alteration..." note) is missing on all drawings prepared by an engineer.

Comment #27: Please clarify if POZ Engineering has a Certificate of Authorization in New York State.

Comment #28: Provide a map note stating that, "No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." Already on Sheet S-1 Floor Framing Note 17, Drawings E-1 and E-2

Comment #29: A note shall be added to the plan stating that construction work shall not take place on Saturdays, Sundays, or legal holidays.

Emanuel Posluszny: Ok.

Comment #30: A note shall be added to the plan stating that the duration of the Building Department permit shall be limited to six months.

Emanuel Posluszny: Ok.

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

Comment #32: Payment of all appropriate bonds \$7,500.00 (private road) and inspection fees.

Mr. Astorino: I apologize. I misspoke the last time. I said \$5,000.00. That was from the previous application back in the year 2004. Our Engineer has calculated a \$7,500.00 Bond for this application. There will also be inspection fees for our Engineer to go out to the site.

Mr. Bollenbach: We will calculate the numbers for the inspection fees.

Comment #33: Payment of all fees.

Mr. Astorino: Those would be whatever fees that it takes to tie this up at the end. We will list Comments 3 through 33 for the record. Do any Board Members or Professionals have any comment?

Mr. McConnell: Mr. Chairman, regarding Comment #2 that talks about the bond and inspection fees, the concept of the inspection fees, is that an open ended concept? Or, could we get from our Engineer some idea that these are the thresholds or the progress stages that would require inspections and so forth?

Mr. Astorino: Dennis to be honest with you, I think to leave it open ended, if our Engineer was coming from her home to work and she decides to go to the project to check on it, I would not have a problem with that. I'll give her credit. It's not going to be abused. It won't be abused. If our Engineer wants to go out to the site to check on things to make sure everything is going well, I don't have a problem with her doing that. This would be done within a 6 month window. That is all that we are giving them. I think she should have the authority to do that. She will as always document the reason and why she is there.

Mr. McConnell: Right. I wasn't concerned about an abuse.

Mr. Astorino: I know that.

Mr. McConnell: It was more about giving some know ability to the applicant as to what the amount or number of inspections that would be needed.

Mr. Astorino: I know there will be. Laura, you could get together with the other professionals about this. You will be close to a number. I am sure of that.

Mr. McConnell: Ok.

Mr. Astorino: This is a continued public hearing. If there is anyone in the audience wishing to address the Bozzone #2 application, please rise and state your name for the record. Carl and Jenifer Ledesma approach the Planning Board.

Carl Ledesma: We are pleased with the correspondence with the Engineer that went on back and forth. We have one last issue. It is a safety issue. When the well drilling truck came to take the core samples of what is underneath the ground, it couldn't make it down the driveway. The core samples were up on top where I park my car. It was nowhere near where this load is going to be.

Mr. Astorino: We are aware of that.

Carl Ledesma: There is water in everyone's basement. I have water in my basement. There is some kind of natural aquifer going underneath. When the guy built that monstrous structure now, there were no permits or anything involved. That was a big structure. I don't think he intended to put another structure on top of that. I'm concerned that if there is some sort of a sink hole, we wouldn't know that. We don't know what is under the ground because the truck didn't get down there where the weight is going to be because he was up on top.

Mr. Astorino: He bored down to bedrock. That is what they are going to have to do at the lower site. That is the issue. They have to get to the bedrock.

Carl Ledesma: They are going to get a truck down there.

Mr. Astorino: They have no choice. I don't care if they have to take the truck apart to get it down there. That is not my issue. That is what we talked about at the last meeting. The Contractor that has this project would have to get his vehicle down there. He would have to do as per the plan. They are doing it to the worst case scenario. I have confidence that it will be so supported. That is the way it should be.

Emanuel Posluszny: Do you get your water from the ground?

Carl Ledesma: Yes.

Emanuel Posluszny: The groundwater which they call secondary groundwater sources which means that the water is in big crevasses or in big cracks in the rock that is where you get your water from.

Mr. Astorino: There are deep wells out there. You are down into the rock.

Emanuel Posluszny: We are only going down into the competent rock 3 feet.

Carl Ledesma: Ok.

Mr. Astorino: It will be done according to the plan. It will be reviewed by our structural engineer.

Carl Ledesma: That is our only concern.

Mr. Astorino: That was our first line with this application was to get the structural engineer on board. This isn't our first one. We had an application before us called Manzollilo. They put in a pool and pool house up on a rock. They had to do the same things like the boring tests and structural reviews.

Carl Ledesma: Do they still have to do that?

Mr. Astorino: They had done it. It is all done.

Carl Ledesma: Ok.

Mr. Astorino: It all has to be done properly.

Carl Ledesma: Would it be done in all four locations?

Mr. Astorino: There are more than four locations.

Laura Barca: It would be done wherever there is a column.

Mr. Astorino: Yes. Wherever there is a column. We are going to follow the protocol of whatever is on the plan.

Carl Ledesma: Are they going to put up a solid guardrail?

Mr. Astorino: That would be something for the Board to discuss. That would be the Board's decision. We will get into that as we move along.

Carl Ledesma: Ok. We just put up a fence for privacy.

Mr. Astorino: That would be your call.

Carl Ledesma: We put up the fence for privacy. Now this thing is going above. We figured the solid guardrail would give us more privacy.

Mr. Astorino: I don't have a problem with the solid guardrail. But, that would be up to the Board.

Carl Ledesma: The solid guardrail would be nice.

Mr. Astorino: Ok. We now have that on the record. Thank you.

Carl Ledesma: That is all we have. Thank you.

Mr. Astorino: Ok. Thank you. Is there anyone else wishing to address the Bozzone #2 application? Let the record show no further public comment.

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

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

Mr. Astorino: We have all seen the photos. That is the only outstanding issue that we have at this point. It would be up to the Board if you wish to make it a solid rail from the height of the guardrail down or leave it as is. Looking at the photos at the Work Session, I didn't see a whole big difference. It would be the Board's call at this point. It is mitigation. It is just adding a couple of other boards. How does the Board feel about it?

Mr. McConnell: I don't feel strongly about it.

Mr. Kennedy: Neither do I.

Ms. Little: How about just having it solid on the one side?

Mr. Astorino: That is what we are talking about. It is not much.

Ms. Little: It seems like they have done some really good work trying to mitigate this. I think they have come to this decision and it seems like all parties are agreeable with that. I don't see why you would change that. Having the one side solid for privacy with the one neighbor, I don't see a problem with that.

Mr. Astorino: That would be fine. Just make that one side of the guardrail solid. They are only using wood anyway. Is that correct?

Emanuel Posluszny: Yes.

Mr. Astorino: Ok. Laura, just make a note on our comments to that effect.

Laura Barca: Yes. Ok.

Mr. Showalter: It sounds like it would work for everybody.

Mr. Astorino: It does. Does the Board or Professionals have any more comments or concerns? Let the record show that the Board or Professionals don't have any other comments or concerns.

Mr. Showalter makes a motion on the Maria Bozzone #2 application, granting Site Plan Approval for the construction and use of a steel elevated driveway. It will be used by the residents for access to their home with suitable grades and stairs for elderly access, located within "A Designated Protection Area" of Greenwood Lake, situated on tax parcel S 73 B 9 L 30.21; project located on the south side of Lodge Drive 103 feet of centerline (13 Lodge Drive), in the SM zone, of the Town of Warwick, County of Orange, State of New York. A Type 2 Action was adopted on May 15, 2013. Approval is granted subject to the following conditions:

1. Applicant to submit proof of a septic pump, as requested by the Building Department.
2. The Applicant should check the Town's webpage to determine if the property is within the Town's five overlay districts and add information to the drawing set. The zoning map is shown on Sheet ENV-1, but the five overlay districts are not shown. The entire mapping of the overlay districts is not necessary; a table must be added showing if the property is included within each of the five overlay districts.
3. Sheet C2, Note 4 shall be revised as follows: "Ingress and Egress: Bozzone is responsible for the Contractor to use equipment that will access the work site without damage, trespass, or destruction to the property of adjacent landowners."
4. A note shall be added to the plan stating that Lodge Drive can not be blocked for other residents during the time of this construction.
5. A note shall be added to the site plan stating that Site plan non-compliance shall result in the issuance of a Stop Work Order from the Building Department.
6. According to §150-4, over 0.25-acre is not allowed to be cleared without a permit from the building department citing any planning board requirements. Applicant to verify area of disturbance. A note must be added to the plan set. A note was added to Sheet A-1 and C-2, but it must be modified to state that the Total Acreage OF DISTURBANCE is less than 0.01 acres, if that is the case. Sheet A-1 was update, Sheet C-2 was not updated.
7. The colors, including reflectivity, must be shown on the plan. The color(s) selected must be added to the plan set. The paint color is stated on Sheet ENV-1 (medium gray with reflectivity less than 60%); a paint sample must be provided and a note specifying the paint color must be added to the plan (Valspar Dusty Lead 4002-2B or approved equal).
8. Photometric data has not provided, as noted in §164-43.4C and §164-43.4E(4) to illustrate lighting levels at the property line. Photometrics appear to be provided on Sheet E-1 and E-2 but the font type needs to be darker in order to be readable.
9. A note must be added to the plan stating the motion sensor details and 15 minute maximum timing of the lights on and off, etc.
10. Based on the plans submitted, it appears that the XPL lighting fixture is intended to be place across the parking deck. Please verify that this fixture can withstand any potential vehicle traffic.
11. Lighting fixture XPL is an upward facing light. Please verify that this meets §164-43.4, where all lighting fixtures are shielded/facing downward; and §164-43.4E(2)(a) noting that uplighting is prohibited.
12. Applicant to add a note regarding lamp or fixture substitution, as noted in §164-43.4C(2).
13. Applicant to verify conformance with the Town's signage code, as applicable. Applicant to clarify if signage is needed; allowed weight on the structure, etc. A detail must be added to the weight limit sign. Dimensions must be added to the sign detail.
14. The clear heights of the structure and the right-of-way width must be shown on Sheet S-1 and S-3. Applicant to clarify if a brace would restrict the height in the area of the right-of-way.
15. The elevations do not seem consistent between the survey and the structural drawings. Applicant to clarify if two different elevation systems are being used.

16. The guard rails shall conform to guards for persons per the RCNYS with a maximum opening of less than 4". The rail by SBL #73-9-1.1 shall be solid; the rail on the other two sides shall be a regular guiderail.
17. Applicant to add a stair detail to Sheet S-3.
18. Please verify how storm water will be managed at the end of the parking ramp.
19. The 7209 note (the "unauthorized alteration..." note) is missing on all drawings prepared by an engineer.
20. Please clarify if POZ Engineering has a Certificate of Authorization in New York State.
21. Provide a map note stating that, "No construction or use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." Already on Sheet S-1 Floor Framing Note 17, Drawings E-1 and E-2
22. A note shall be added to the plan stating that construction work shall not take place on Saturdays, Sundays, or legal holidays.
23. A note shall be added to the plan stating that the duration of the Building Department permit shall be limited to six months.
24. Surveyor to certify that iron rods have been set at all property corners.
25. Payment of all appropriate bonds \$7,500.00 (private road) and inspection fees.
26. Payment of all fees.

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

Emanuel Posluszny: Thank you.

PUBLIC HEARING OF Dennis and Virginia Guzzo

Application for Site Plan Approval for the construction and use of a proposed bedroom addition to an existing single-family residence located within “A Designated Protection Area” of Greenwood Lake, situated on tax parcel S 75 B 1 L 28.1; project located on the southern side of Lake Shore Road 1000± feet south of Jersey Avenue (106 Lake Shore Road), in the SM zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: James Diana from LAN Associates. Mr. Dennis Guzzo, Applicant.

Connie Sardo: Mr. Chairman, I have received the certified mailings for the Guzzo 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 – 12/14/13 no comments.
4. Architectural Review Board comments – pending
5. Greenwood Lake Commission Comments – pending
6. OCPD: 09/16/13; two advisory comments: construction nearby Greenwood Lake and area variance needed
7. A dye test will need to be conducted by a licensed professional.
8. The planning board has the option to waive the requirement for contours on the site plan; property is level.
9. Payment of all fees.

The following comment submitted by the Conservation Board, dated 12/18/13:

Dennis & Virginia Guzzo – The CB recommends a dye test be performed regardless of whether the applicant has pumped the septic system within the previous three years.

The following comment submitted by the ARB:

Dennis & Virginia Guzzo – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: This SEQR Comment has been prepared by Mr. Ted Fink, dated 12/18/13: *“At its meeting on September 18, 2013, the Planning Board classified this application for Site Plan approval as a Type 2 Action under SEQR. The proposed house addition meets the SEQR threshold found in the Type 2 list under SEQR meets the thresholds found in 6 NYCRR617.5(c)(9) because it consists of “construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (11) and the installation, maintenance and/or upgrade of a drinking water well and a septic*

system;” As a Type 2 action, no further SEQOR review of other SEQOR actions need to be taken by the Planning Board.”

Comment #2: Applicant to discuss project.

James Diana: The purpose of the project is to renovate one existing bedroom in the existing dwelling into a mechanical electrical room from the basement. They want to construct a one story frame addition on the west side which would be approximately 250 square feet in size.

Mr. Astorino: You have been to the ZBA for the variance.

James Diana: Yes.

Mr. Astorino: Have you obtained the ZBA variance?

James Diana: Yes. The ZBA Resolution is on the plan.

Mr. Astorino: Ok. Thank you.

Comment #3: Conservation Board comments – 12/14/13 no comments.

Mr. Astorino: We have a comment from the CB, dated 12/18/13. We are aware of the dye test. That is what we do.

Comment #4: Architectural Review Board comments – pending

Comment #5: Greenwood Lake Commission Comments – pending

Comment #6: OCPD: 09/16/13; two advisory comments: construction nearby Greenwood Lake and area variance needed

Mr. Bollenbach: We could strike Comment #6.

Comment #7: A dye test will need to be conducted by a licensed professional.

James Diana: We can coordinate that.

Comment #8: The planning board has the option to waive the requirement for contours on the site plan; property is level.

Mr. Astorino: I don't see an issue is with that. We could waive that.

Comment #9: Payment of all fees.

James Dian: Will do.

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 Guzzo 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. Ruszkiewicz. Motion carried; 5-Ayes.

Mr. Showalter makes a motion to waive the requirements for contours on the site plan; property is level.

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

Mr. Showalter makes a motion on the Dennis and Virginia Guzzo application, granting Site Plan Approval for the construction and use of a proposed bedroom addition to an existing single-family residence located within "A Designated Protection Area: of Greenwood Lake, situated on tax parcel S 75 B 1 L 28.1; project located on the southern side of Lake Shore Road 1000± feet south of Jersey Avenue (106 Lake Shore Road), in the SM zone, of the Town of Warwick, County of Orange, State of New York. A Type 2 Action was adopted on September 18, 2013. Approval is granted subject to the following conditions:

1. A dye test will need to be conducted by a licensed professional.
2. The planning board has the option to waive the requirement for contours on the site plan; property is level. (Granted on 12/18/13).
3. Payment of all fees.

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

James Diana: Thank you.

Other Considerations:

1. Planning Board Minutes of 11/6/13 and 11/20/13 for Planning Board Approval.

Mr. McConnell makes a motion to Approve the 11/6/13 and 11/2013 Planning Board Minutes.

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

2. Planning Board to discuss canceling the 12/23/13 Work Session & 1/1/14 Planning Board Meeting due to the Christmas & New Year Holidays.

Mr. McConnell makes a motion to cancel the 12/23/13 Work Session & 1/1/14 Planning Board Meeting.

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

Correspondences:

1. Extending Deadlines for Application Filings – Memo from Supervisor Sweeton, dated 12/10/13 addressed to the Planning Board to discuss recommendation to the Town Board to extend for 1 Year the filing and construction deadlines as per Zoning Code Section 164-73 C and D.

Mr. Astorino: This is the ongoing thing that we have been recommending.

Connie Sardo: Dennis brought up a good point before the meeting. In our Memo regarding the construction deadline it says from 2 to 3 years. But in the Town Board's Memo it says from 3 to 4 years. I think our Memo was from an old one.

Mr. McConnell: I have 3 different drafts here. Under Section 164-73. D, there is a discrepancy between the two. One states that the deadline is from 2 to 3 years. The other one states from 3 to 4 years. I'm confused as to which one is correct.

Mr. Bollenbach: I will look that up now. In the Code, the construction deadline should state from 3 to 4 years. That is the correct one. The Memo that we had was from an older version.

Mr. McConnell: Ok. Thank you.

Mr. Showalter: Didn't we ask for extension for all approved projects?

Mr. Astorino: That is this.

Mr. Showalter: Ok. We asked the Board to extend it for one additional year because of the economy.

Mr. Astorino: Ok. We could send the Memo to the Town Board.

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 18, 2013 Planning Board meeting.

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