

TOWN OF WARWICK PLANNING BOARD
December 19, 2012

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, December 19, 2012 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 the meeting tonight, I would like for everyone to take a moment of silence for the victims of the Sandy Hook Tragedy. Thank you.

PUBLIC HEARING OF Watchtower Bible & Tract Society of NY, Inc.

Application for Commercial Timber Harvest Permit Chapter 150 on a 253-acre site, situated on tax parcels S 85 B 1 L 4.1, 4.2, 5.1, and 5.2; parcels located on the southwest side of Long Meadow Road 6,000 feet north of Sterling Mine Road (CR 72), in the LC zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Greg Povah, Applicant.

Connie Sardo: Do you have the certified mailing receipts?

Greg Povah: No. I forgot them.

Mr. Bollenbach: Just provide them.

Greg Povah: I could mail them or email them to you tomorrow.

Connie Sardo: Yes. You could email them to me. That would be fine.

Greg Povah: Ok.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments – 12/18/12 no comments at this time
4. Architectural Review Board comments – 12/19/12 no comments at this time
5. OC Planning Department – 12/11/12 no advisory comments on timber harvest
6. The following note must be added to the plan: The tree harvest operations will take place in accordance with the SEQRA Findings Statement, dated 08/01/12. The last day for tree

harvesting is March 31, 2013; harvest can begin again in accordance with the SEQRA Findings Statement.

7. Payment of all fees.

The following comment submitted by the Conservation Board, dated 12/19/12:

Watchtower Bible & Tract Society of NY, Inc. – CB has no comments.

The following comment submitted by the ARB:

Watchtower Bible & Tract Society of NY, Inc. – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: For this Timber Harvest, we had asked the applicant to provide us with an EAF even though this project has gone through the entire SEQR review process. The Timber Harvest actually was contemplated as part of the Site Plan review process. But because we have not yet reached a point where Site Plan approval was given to the entire project, one of the mitigation measures that was incorporated into the EIS review process was to have the trees that were in the area of the proposed construction to be cut down prior to April 1st. There is a window of when those trees could be cut down which is between November 30th through April 1st because of the potential for Indiana Bats, Rattlesnakes, etc... That has now been proposed by the applicant as part of the Timber Harvest so that this could proceed prior to the Site Plan review process. Based on that, I have prepared a Draft Negative Declaration for the Board's consideration. It incorporates the actual conditions to making sure that trees that are not going to be cut down would be clearly labeled as a protective tree area.

Comment #2: Applicant to discuss project.

Mr. Astorino: I think Ted had said it all.

Comment #3: Conservation Board comments – 12/18/12 no comments at this time

Comment #4: Architectural Review Board comments – 12/19/12 no comments at this time

Comment #5: OC Planning Department – 12/11/12 no advisory comments on timber harvest

Comment #6: The following note must be added to the plan: The tree harvest operations will take place in accordance with the SEQRA Findings Statement, dated 08/01/12. The last day for tree harvesting is March 31, 2013; harvest can begin again in accordance with the SEQRA Findings Statement.

Greg Povah: I will add that note.

Comment #7: Payment of all fees.

Greg Povah: Yes.

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 Watchtower Timber Harvest 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. Ruskiewicz. Motion carried; 5-Ayes.

Mr. McConnell makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: Watchtower Timber Harvest

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed 24.5 acre Timber Harvest, 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 12/4/12, 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. Kennedy makes a motion on the Watchtower application, Commercial Timber Harvest Permit Chapter 150 was granted on a 253-acre site, situated on tax parcels S 85 B 1 L 4.1, 4.2, 5.1 and 5.2; parcels located on the southwest side of Long Meadow Road 6,000 feet north of Sterling Mine Road (CR 72), in the LC zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on December 19, 2012. Approval is granted subject to the following conditions:

1. The following note must be added to the plan: The tree harvest operations will take place in accordance with the SEQRA Findings Statement, dated 8/1/12. The last day for tree harvesting is March 31, 2013; harvest can begin again in accordance with the SEQRA Findings Statement.
2. Payment of all fees.

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

Greg Povah: Thank you.

PUBLIC HEARING OF Betsy Mitchell As Trustee of the Lois R. Van Tuyl Family Trust

Application for Preliminary Approval of a proposed 2-Lot subdivision, situated on tax parcel S 64 B 3 L 29.1; parcel located on the eastern side of Cascade Lake Road 210± feet south of Cascade Road, 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. Betsy Mitchell, Applicant.

Connie Sardo: Mr. Chairman, we just received the certified mailings for the Van Tuyl 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: 10/16/12 subdivision within biodiversity; well and septic separation distance is not adequate; 12/18/12 no comments at this time
4. Architectural Review Board: 10/16/12 no comments at this time; 12/19/12 no comments at this time
5. OCPD: 10/18/12 advisory comment that Applicant would need to go to ZBA
6. The approval language from the ZBA variance must be shown on the plans.
7. All neighboring wells and septic systems within 300-ft shall be shown, including a note on the plan stating that all wells and septic systems have been shown.
8. Applicant to provide information relating to the square rule. (Applicant requesting waiver.)
9. Applicant to provide information relating to the buildable area requirement. (Applicant requesting waiver).
10. Shared driveway agreement and easement shall be submitted to Planning Board attorney for review.
11. Surveyor to certify that iron rods have been set at all property corners.
12. Payment of Recreational Fees. (Applicant has submitted a letter to the Town Board to have this requirement waived.)
13. Payment of all fees.

The following comment submitted by the Conservation Board, dated 12/19/12:

Van Tuyl Subdivision – The CB has no comments.

The following comment submitted by the ARB:

Van Tuyl Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: For this proposed subdivision, you would think that under SEQR this could have been a Type 2 Action where it wouldn't need any SEQR review. But, this proposed subdivision doesn't meet any of the thresholds. There is no new construction proposed. I have prepared a Draft Negative Declaration for the Board's consideration.

Connie Sardo: Ted, I think we need to do Lead Agency on this application.

Mr. Fink: Yes. We have not done Lead Agency yet. I have also prepared a Resolution for Lead Agency.

Mr. McConnell makes a motion for Lead Agency.

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

617.6

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

Name of Action: Van Tuyl Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by Lois R. Van Tuyl Family Trust for a \pm 4.7 acre parcel of land located at Cascade Park Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 09/13/12 was submitted at the time of application, and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is an Unlisted action, and

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

Whereas, after examining the EAF, the Planning Board has determined that there are no other involved and/or federal agencies on this matter.

Now Therefore Be It Resolved, that the Planning Board hereby declares itself Lead Agency for the review of this action.

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

Comment #2: Applicant to discuss project.

Mr. Astorino: It hasn't changed any.

Karen Emmerich: It has not changed at all. We do have our variances now. We are essentially proposing a lot line change to put each house on its own lot.

Comment #3: Conservation Board: 10/16/12 subdivision within biodiversity; well and septic separation distance is not adequate; 12/18/12 no comments at this time

Comment #4: Architectural Review Board: 10/16/12 no comments at this time; 12/19/12 no comments at this time

Comment #5: OCPD: 10/18/12 advisory comment that Applicant would need to go to ZBA

Comment #6: The approval language from the ZBA variance must be shown on the plans.

Karen Emmerich: Yes. We haven't received the ZBA Resolution yet. As soon as we get that, we will put that on the plans.

Comment #7: All neighboring wells and septic systems within 300-ft shall be shown, including a note on the plan stating that all wells and septic systems have been shown.

Karen Emmerich: I discussed that with Laura. We will put note on the plan.

Laura Barca: Yes.

Comment #8: Applicant to provide information relating to the square rule. (Applicant requesting waiver.)

Karen Emmerich: Right.

Comment #9: Applicant to provide information relating to the buildable area requirement. (Applicant requesting waiver).

Mr. Astorino: You need those waivers from the Board because of the way it is set up.

Karen Emmerich: Right.

Mr. McConnell makes a motion to waive the square rule and the buildable area due to the fact that everything is existing.

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

Comment #10: Shared driveway agreement and easement shall be submitted to Planning Board attorney for review.

Karen Emmerich: Betsy, is the Attorney working on that?

Betsy Mitchell: Yes.

Mr. Bollenbach: Who is the Attorney?

Betsy Mitchell: Joe Donohue.

Mr. Bollenbach: Ok.

Comment #11: Surveyor to certify that iron rods have been set at all property corners.

Karen Emmerich: Yes.

Comment #12: Payment of Recreational Fees. (Applicant has submitted a letter to the Town Board to have this requirement waived.)

Mr. Astorino: That is between you and the Town Board.

Karen Emmerich: Right. We understand that.

Comment #13: Payment of all fees.

Betsy Mitchell: 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 Van Tuyl Subdivision, 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. Kennedy. Motion carried; 5-Ayes.

Ms. Little makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: Van Tuyl 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 9/13/12, 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. Ruszkiewicz makes a motion on the Betsy Mitchell As Trustee of the Lois R. Van Tuyl Family Trust application, granting Preliminary Approval was granted for a proposed 2-Lot subdivision, situated on tax parcel S 64 B 3 L 29.1; parcel located on the eastern side of Cascade Lake Road 210± feet south of Cascade Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on December 19, 2012.

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

Karen Emmerich: We would like to request that the Board waive the Final Public Hearing.

Mr. Astorino: Seeing that there was no public comment. I don't see a problem in waiving the Final Public Hearing.

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

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

Ms. Little makes a motion on the Betsy Mitchell As Trustee of The Lois R. Van Tuyl Family Trust application, granting Final Approval for a proposed 2-Lot subdivision, situated on tax parcel S 64 B 3 L 29.1; parcel located on the eastern side of Cascade Lake Road 210± feet south of Cascade Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on December 19, 2012. Approval is granted subject to the following conditions:

1. The approval language from the ZBA variance must be shown on the plans.
2. All neighboring wells and septic systems within 300-ft shall be shown, including a note on the plan stating that all wells and septic systems have been shown.

3. Shared driveway agreement and easement shall be submitted to Planning Board attorney for review.
4. Surveyor to certify that iron rods have been set at all property corners.
5. Payment of Recreational Fees. (Applicant has submitted a letter to the Town Board to have this requirement waived.)
6. Payment of all fees.

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

Karen Emmerich: Thank you.

Betsy Mitchell: Thank you.

Review of Submitted Maps:***Gary Randall #4 Subdivision / Alan Mante Lot Line Change "Amended" Final Approval***

Application for "Amended" Final Approval of a proposed 3-Lot Subdivision + 3 Lot Line Changes, situated on tax parcels S 19 B 1 L 47.2 and 47.1; parcels located on the western side of State Route 94, whereas driveway is 500 feet north of Minturn Road, 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.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 11/29/10 no comments at this time; 12/18/12 no comments at this time.
4. Architectural Review Board comments: 12/19/12 no comments at this time.
5. Building Department – no existing violations (11/12/10)
6. OCPD: 12/15/10 – local determination with two advisory comments: (1) extend conservation easement onto Lot 3 east of the driveway and (2) who will hold the easement?
7. OCPD for lot line change – pending OCPD
8. NYS DOT: 01/19/11: Add a Maintenance Responsibility note to the plan (as stated in letter dated 01/19/11). Owner must obtain a highway work permit to do the following: trim branches and vegetation to optimize sight distance looking south along the west side of Route 17A; backfill area adjacent to pavement along the west side of Route 17A that has eroded.
9. Sheet 1, Note 14 should be revised to state that, "... located more than 100-ft from the proposed construction areas."
10. The detail must include a foundation base similar to the driveway (6-in) to provide support for vehicles when using the pull off. Also, the dimensions of the pull-off should be revised to 10-ft wide and 50-ft long with tapers of 25-ft to accommodate emergency vehicles.
11. The fall zone should also be placed on Sheet 1.
12. Additional details of the existing wireless facility and turnaround areas should be added to the plans.
13. The recently submitted Special Use application shows the utility lines to the cell tower in a different location.
14. Please submit a copy of the signed map that allowed the WTF on Lot 1.
15. Provide calculations to show that non-erosive surfaces are being proposed in accordance with NYSDEC. The detail on Sheet 3 appears to show that the swale is vegetated; a planting schedule (type, number, and size) should be added to this detail.
16. The Applicant should complete a line-of-sight drawing, as well as a Visual Addendum to the EAF.
17. Final Checklist G: Copies of the letters sent to police, ambulance, fire, and school must be submitted.
18. Final Checklist I: 9-1-1 address information is pending 9-1-1 coordinator.

19. Final Checklist L.7: Certification by a licensed land surveyor of metes and bounds has not been submitted. All existing and proposed easements must be shown.
20. Final Checklist L.8: Is there a conservation easement proposed? Who will be the owner of this easement?
21. A note should be added to the drawings clarifying where the 100-ft radius fall zone is with relationship to Lot 3; this note will serve as a notice to the owner/residents of Lot 3 not to erect any structures, etc. within this area.
22. Shared driveway notes, as well as private road maintenance notes must be added to the plan.
23. This subdivision is a conservation density subdivision and must comply with §164-41.2 (**Attachment 1**).
24. What mechanism does the cell tower and its co-locators have for means of access to the site once this subdivision takes place?
25. Surveyor to certify that iron rods have been set at all property corners.
26. Payment of Recreational fees.
27. Payment of all fees.

The following comment submitted by the Conservation Board, dated 12/19/12

Gary Randall #4 Subdivision/Alan Mante Lot Line Change “Amended” Final Approval – The CB has no comments.

The following comment submitted by the ARB:

Gary Randall #4 Subdivision/Alan Mante Lot Line Change “Amended” Final Approval – None submitted.

Karen Emmerich: We haven’t been directly involved with this. Bob Schmick, the Surveyor, has been dealing with the lot line change not Lehman & Getz.

Mr. Astorino: Ok.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board previously had conducted a SEQR review for the subdivision. The Planning Board has already issued a Negative Declaration on that. This is a minor amendment to a previously approved plan. There is no need to do any further SEQR review.

Mr. Astorino: Laura, are there any comments here that we need to discuss?

Laura Barca: There are only two comments that are different from the previous final approval. The first one is Connie, have we heard from OCPL yet on the lot line change?

Connie Sardo: No.

Laura Barca: Ok. The second comment is from NYSDOT which came in after the previous conditional final approval. They are asking for a Maintenance Responsibility note to be added to the plan. It is just a note that could be added to the plan.

Mr. Astorino: Ok. We could add that note. As far as OCPL, a super majority is needed.

Connie Sardo: Are all these other conditions on here the conditions from the original approval?

Laura Barca: Yes.

Mr. Astorino: Yes. We will add Comments 8 through 27 for the record. Do any Board members have any comments?

Comment #2: Applicant to discuss project.

Comment #3: Conservation Board comments: 11/29/10 no comments at this time; 12/18/12 no comments at this time.

Comment #4: Architectural Review Board comments: 12/19/12 no comments at this time.

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

Comment #6: OCPD: 12/15/10 – local determination with two advisory comments: (1) extend conservation easement onto Lot 3 east of the driveway and (2) who will hold the easement?

Comment #7: OCPD for lot line change – pending OCPD

Comment #8: NYSDOT: 01/19/11: Add a Maintenance Responsibility note to the plan (as stated in letter dated 01/19/11). Owner must obtain a highway work permit to do the following: trim branches and vegetation to optimize sight distance looking south along the west side of Route 17A; backfill area adjacent to pavement along the west side of Route 17A that has eroded.

Comment #9: Sheet 1, Note 14 should be revised to state that, "... located more than 100-ft from the proposed construction areas."

Comment #10: The detail must include a foundation base similar to the driveway (6-in) to provide support for vehicles when using the pull off. Also, the dimensions of the pull-off should be revised to 10-ft wide and 50-ft long with tapers of 25-ft to accommodate emergency vehicles.

Comment #11: The fall zone should also be placed on Sheet 1.

Comment #12: Additional details of the existing wireless facility and turnaround areas should be added to the plans.

Comment #13: The recently submitted Special Use application shows the utility lines to the cell tower in a different location.

Comment #14: Please submit a copy of the signed map that allowed the WTF on Lot 1.

Comment #15: Provide calculations to show that non-erosive surfaces are being proposed in accordance with NYSDEC. The detail on Sheet 3 appears to show that the swale is vegetated; a planting schedule (type, number, and size) should be added to this detail.

Comment #16: The Applicant should complete a line-of-sight drawing, as well as a Visual Addendum to the EAF.

Comment #17: Final Checklist G: Copies of the letters sent to police, ambulance, fire, and school must be submitted.

Comment #18: Final Checklist I: 9-1-1 address information is pending 9-1-1 coordinator.

Comment #19: Final Checklist L.7: Certification by a licensed land surveyor of metes and bounds has not been submitted. All existing and proposed easements must be shown.

Comment #20: Final Checklist L.8: Is there a conservation easement proposed? Who will be the owner of this easement?

Comment #21: A note should be added to the drawings clarifying where the 100-ft radius fall zone is with relationship to Lot 3; this note will serve as a notice to the owner/residents of Lot 3 not to erect any structures, etc. within this area.

Comment #22: Shared driveway notes, as well as private road maintenance notes must be added to the plan.

Comment #23: This subdivision is a conservation density subdivision and must comply with §164-41.2 (**Attachment 1**).

Comment #24: What mechanism does the cell tower and its co-locators have for means of access to the site once this subdivision takes place?

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

Comment #26: Payment of Recreational fees.

Comment #27: Payment of all fees.

Mr. Bollenbach: Would the applicant like to request waiving the public hearing?

Karen Emmerich: Yes.

Mr. Bollenbach: There is no construction proposed. This is already subject to a prior subdivision. It is just to correct a lot line that was in error.

Mr. Astorino: Yes.

Mr. Ruszkiewicz makes a motion to waive the Final Public Hearing.

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

Ms. Little makes a motion on the Gary Randall #4 Subdivision / Alan Mante Lot Line Change application, granting "**Amended**" Final Approval for a proposed 3-Lot Subdivision + 3 Lot Line Changes, situated on tax parcels S 19 B 1 L 47.2 and 47.1; parcels located on the western side of State Route 94, whereas driveway is 500 feet north of Minturn Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on, February 7, 2011. Approval is granted subject to the following conditions:

1. NYSDOT: 01/19/11: Add a Maintenance Responsibility note to the plan (as stated in letter dated 01/19/11). Owner must obtain a highway work permit to do the following: trim branches and vegetation to optimize sight distance looking south along the west side of Route 17A; backfill area adjacent to pavement along the west side of Route 17A that has eroded.
2. Sheet 1, Note 14 should be revised to state that, "... located more than 100-ft from the proposed construction areas."
3. The detail must include a foundation base similar to the driveway (6-in) to provide support for vehicles when using the pull off. Also, the dimensions of the pull-off should be revised to 10-ft wide and 50-ft long with tapers of 25-ft to accommodate emergency vehicles.
4. The fall zone should also be placed on Sheet 1.
5. Additional details of the existing wireless facility and turnaround areas should be added to the plans.
6. The recently submitted Special Use application shows the utility lines to the cell tower in a different location.
7. Please submit a copy of the signed map that allowed the WTF on Lot 1.

8. Provide calculations to show that non-erosive surfaces are being proposed in accordance with NYSDEC. The detail on Sheet 3 appears to show that the swale is vegetated; a planting schedule (type, number, and size) should be added to this detail.
9. The Applicant should complete a line-of-sight drawing, as well as a Visual Addendum to the EAF.
10. Final Checklist G: Copies of the letters sent to police, ambulance, fire, and school must be submitted.
11. Final Checklist I: 9-1-1 address information is pending 9-1-1 coordinator.
12. Final Checklist L.7: Certification by a licensed land surveyor of metes and bounds has not been submitted. All existing and proposed easements must be shown.
13. Final Checklist L.8: Is there a conservation easement proposed? Who will be the owner of this easement?
14. A note should be added to the drawings clarifying where the 100-ft radius fall zone is with relationship to Lot 3; this note will serve as a notice to the owner/residents of Lot 3 not to erect any structures, etc. within this area.
15. Shared driveway notes, as well as private road maintenance notes must be added to the plan.
16. This subdivision is a conservation density subdivision and must comply with §164-41.2 (**Attachment 1**).
17. What mechanism does the cell tower and its co-locators have for means of access to the site once this subdivision takes place?
18. Surveyor to certify that iron rods have been set at all property corners.
19. Payment of Recreational fees.
20. Payment of all fees.

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

Karen Emmerich: Thank you.

MJJ Builders 2-Lot DeKay Road Subdivision

Application for Sketch Plat Review of a proposed 2-Lot (**Minor**) subdivision, situated on tax parcel SBL # 41-1-54.1; parcel located on the eastern side of DeKay Road 581± south of Miller Lane, in the RU zone, of the Town of Warwick. Previously discussed at the 8/1/12 Planning Board Meeting.

Representing the applicant: Anthony Trochiano, Pietrzak & Pfau Engineering.

Ms. Little recuses herself from the MJJ Builders 2-Lot DeKay Road Subdivision application.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 07/30/12 insufficient data submitted for preparation of comments; 12/18/12 no comments at this time
4. Architectural Review Board comments: 09/12/12 ARB would like to see elevations when available; 12/19/12 no comments at this time
5. OC Planning Department: 8/1/12 no advisory comments
6. The recording information for the parcel deed must be submitted.
7. The Orange County Real Property tax map has not been updated yet, please provide documentation of the updated tax id 44-1-144.
8. There appears to be 5 to 6-ft of fill over the septic tanks on both lots; typically only 1-ft of fill is placed over septic tanks. Risers may need to be placed to ensure that access and maintenance are able to be conducted.
9. Sheet 1 should call out any existing monuments/pins.
10. Applicant to submit Town form so that 9-1-1 addresses can be confirmed.
11. The end of the driveway for Lot 2 has a 12-ft drop-off; Applicant to provide alternative design or a mechanism to protect vehicle from accidently driving off this edge.
Applicant to explain how this comment has been addressed in cover letter or on plans, including how the 8-ft of fill and 2:1 slope will be stabilized/vegetated and maintained (too steep to mow).
12. Surveyor to certify that iron rods have been set at all property corners.
13. The declaration for the roadway dedications and agricultural notes must be added to the plans.
14. Payment of parkland fees.
15. Payment of all fees.

The following comment submitted by the Conservation Board, dated 12/19/12:

MJJ Builders 2-Lot DeKay Road Subdivision – The CB has no comments.

The following comment submitted by the ARB:

MJJ Builders 2-Lot DeKay Road Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This project is an Unlisted Action. The Planning Board has declared itself Lead Agency. The applicant has submitted of couple of studies. One study was the Habitat Assessment. That is because the property is within a Biodiversity Overlay District. It was a very through Biodiversity Assessment that was conducted on the property. It is also located within an archeological sensitive area. The applicant hired an Archeologist that conducted an archeological investigation on the property. They had not found any artifacts on the property that would present a potential impact on the property. We have both of those studies now. We do have a wetland certification now from the DEC. There is a State protected wetland on the property.

Comment #2: Applicant to discuss project.

Anthony Trochiano: Since our last appearance, there were a number of items that we had to prepare and submit, which Ted had explained. In addition to what Ted had explained, we have a number of HDR's comments. We are in the process of addressing those comments. We have also been working on the driveway configuration.

Mr. Astorino: Ok. Thank you. Laura, are there any comments here that stand out to you? Are they pretty much the same as before? The applicant is working through them.

Laura Barca: Yes.

Comment #3: Conservation Board comments: 07/30/12 insufficient data submitted for preparation of comments; 12/18/12 no comments at this time

Comment #4: Architectural Review Board comments: 09/12/12 ARB would like to see elevations when available; 12/19/12 no comments at this time

Comment #5: OC Planning Department: 8/1/12 no advisory comments

Mr. Astorino: Ok. We will list Comments 6 through 15 for the record. Would the applicant like to request to be set for a Final Public Hearing?

Anthony Trochiano: Yes.

Mr. McConnell makes a motion to set the MJJ Builders 2-Lot DeKay Road Subdivision for a Final Public Hearing at the next available agenda.

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

Anthony Trochiano: Thank you.

Comment #6: The recording information for the parcel deed must be submitted.

Comment #7: The Orange County Real Property tax map has not been updated yet, please provide documentation of the updated tax id 44-1-144.

Comment #8: There appears to be 5 to 6-ft of fill over the septic tanks on both lots; typically only 1-ft of fill is placed over septic tanks. Risers may need to be placed to ensure that access and maintenance are able to be conducted.

Comment #9: Sheet 1 should call out any existing monuments/pins.

Comment #10: Applicant to submit Town form so that 9-1-1 addresses can be confirmed.

Comment #11: The end of the driveway for Lot 2 has a 12-ft drop-off; Applicant to provide alternative design or a mechanism to protect vehicle from accidentally driving off this edge. Applicant to explain how this comment has been addressed in cover letter or on plans, including how the 8-ft of fill and 2:1 slope will be stabilized/vegetated and maintained (too steep to mow).

Comment #12: Surveyor to certify that iron rods have been set at all property corners.

Comment #13: The declaration for the roadway dedications and agricultural notes must be added to the plans.

Comment #14: Payment of parkland fees.

Comment #15: Payment of all fees.

Ms. Little returns to the Planning Board.**Other Considerations:**

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

Mr. McConnell makes a motion on the Douglas Tinnirello Subdivision, granting a 6-Month Extension on 3rd Re-Approval of Final Approval of a proposed 3-Lot Cluster subdivision, SBL # 49-1-56 & 45.42. Conditional Final Approval was granted on, 6/17/09. The 3rd Re-Approval of Final Approval was granted on 6/6/12 became effective on, 6/17/12.

The 6-Month Extension on 3rd Re-Approval of Final Approval becomes effective on, 12/17/12.

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

- 2. Planning Board Minutes of 11/21/12 for Planning Board Approval.**

Ms. Little makes a motion to Approved the Planning Board Minutes of 11/21/12.

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

- 3. Planning Board to discuss Canceling the 12/24/12 Work Session Agenda and January 2, 2013 Planning Board meeting due to the Christmas & New Year's Holidays.**

Mr. Ruszkiewicz makes a motion to Cancel the 12/24/12 Work Session Agenda and the 1/2/13 Planning Board meeting.

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

Supervisor Sweeton: I would like to thank the Planning Board for all their services and a great job.

Mr. Astorino: Thank you. It is a pleasure working for the Town. On my behalf, I would like to wish the Planning Board and its Professionals a Very Merry Christmas and a Happy New Year. It has been a pleasure working with all of you.

Mr. McConnell makes a motion to adjourn the December 19, 2012 Planning Board Meeting.

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