

TOWN OF WARWICK PLANNING BOARD

January 20, 2010

Members present: Chairman, Benjamin Astorino
Russell Kowal, Dennis McConnell
Roger Showalter, Carl Singer, 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, January 20, 2010 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

Mr. Astorino: Before we get started onto our agenda this evening, I would like to get our New Year's housekeeping in order. The first order is that I would like to appoint Roger Showalter as Vice-Chairman to the Planning Board for the 2010 year. Thank you for the previous year. I appreciate all your support. We have a new alternate Planning Board member, Bo Kennedy. It will be a pleasure working with you. We also have a new Engineering firm, HDR. Her name is Laura Barca. It will be a pleasure working with you. Welcome to our Planning Board. Now, we can move onto our agenda this evening.

PUBLIC HEARING OF Nicholas Catinella

Application for Site Plan Approval for the construction and use of renovations to an existing single-family home located within "A Designated Protection Area" of Greenwood Lake, situated on tax parcel S 76 B 1 L 58 ; parcel located on 21 Cove Road 100 feet north of Sanders Lane, in the SM zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Nicholas Catinella, Applicant.

Connie Sardo: Mr. Chairman, I have just received the certified mailings for the Nicholas Catinella public hearing.

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Board to discuss SEQRA.
2. Applicant to discuss project.
3. Board to discuss septic system dye test results.
4. Applicant to provide copies of letters sent to Emergency Services and any responses.
5. Applicant to provide copy of letter sent to the Greenwood Lake Bi-State Commission and any response.
6. Payment of all fees.

The following comment submitted by the Conservation Board, dated 1/20/10:

Nicholas Catinella - The CB is concerned that construction debris be prevented from entering Greenwood Lake and likewise any soil erosion during the renovation process be contained. Finally, the septic system should be thoroughly inspected and upgraded to an Elgin type system if not in good working order.

The following comment submitted by the ARB:

Nicholas Catinella – None submitted.

Comment #1: Board to discuss SEQRA.

Mr. Fink: Because of the nature of work that had been proposed, this particular application was classified as a Type 2 Action by the Planning Board. No further SEQR review on this application would be necessary.

Mr. Astorino: Thank you.

Comment #2: Applicant to discuss project.

Mr. Astorino: The reason you are here is because of a violation that you received.

Nick Catinella: Right.

Mr. Astorino: Please explain what you had done.

Nick Catinella: I had renovated a whole house. I was supposed to put stone on. Instead of putting the stone on, I put wood on it with a facial stone on top of it. Because I went out 6 to 8 inches, I had to go before the Planning Board.

Mr. Astorino: Yes. Because you are located within a Designated Protection Area. We have photographs here of what the previous dwelling looked like and what it looks like now.

Comment #3: Board to discuss septic system dye test results.

Mr. Astorino: Laura you were out there for that and witnessed the dye test.

Laura Barca: Yes. My office went out and witnessed the dye test. The dye test itself was actually conducted by Michael Acito of Classic Septic Inspections. My office witnessed Mr. Acito. The result of the dye test was that the system is satisfactory operating properly.

Mr. McConnell: Mr. Chairman, I would like to ask a question. I have noticed in HDR notes that the top was taken off the septic tank to show the water level. Was that done

because the house had been unoccupied and we were concerned that the septic system wasn't properly functioning?

Laura Barca: That is common to do with a septic tank. In a dye test, you could pop the top just to look at the structural integrity of the tank itself. The house had been vacant for a period of time. It is a one-bedroom house. Three days prior to the test, it was run at more than 150 gallons per day, which is the design usage for a one-bedroom house. By popping the top, we confirmed that there was indeed water in the tank and the water was running three days prior.

Mr. McConnell: No one observed the water being run. Is that correct?

Laura Barca: Correct.

Mr. McConnell: But, you could tell by looking at the tank itself at either that had been run or that it didn't need to be run.

Laura Barca: Right.

Mr. McConnell: Ok. Thank you.

Comment #4: Applicant to provide copies of letters sent to Emergency Services and any responses.

Nick Catinella: I sent that out certified mail with the letter you had.

Mr. Astorino: If you receive a response from them, please let us know.

Nick Catinella: I will.

Comment #5: Applicant to provide copy of letter sent to the Greenwood Lake Bi-State Commission and any response.

Nick Catinella: I also sent a letter out certified mail to them.

Comment #6: Payment of all fees.

Nick Catinella: Yes.

Mr. Astorino: Do any Board members or Professionals have any comments? We all have the pictures in our packets. I believe they meet the setback requirements and the height requirements of the Code.

Mr. McConnell: There is no expansion of the interior space. It is just the external footprint because of putting the siding on the outside.

Mr. Astorino: Yes. And, because of them going up higher. They kept it under the 35-foot height requirement.

Mr. McConnell: Ok.

Mr. Kowal: We have a comment from the Conservation Board, dated 1/20/10.

Mr. Astorino: We took care of that comment. This is a public hearing. If there is anyone in the audience wishing to address the Nicholas Catinella application, please rise and state your name for the record.

Bob Ognek: I have a couple concerns about the plan on what is covered and what is not covered. You said that you popped the top on the septic system and looked inside.

Laura Barca: Yes.

Bob Ognek: Do you have any idea what the age of it is?

Laura Barca: I wasn't physically there for the test. Someone from my office was there. I had seen pictures of it. I do not know the age of it.

Bob Ognek: I don't know if he fixed it or if it was brand new. I just want to make sure that it was done.

Mr. Astorino: That was the sole reason of them doing the test. The test is to prove that the septic is functioning properly. If that tank were old and leaking, the dye would have come out. They would have caught that.

Bob Ognek: Where does the dye go? Does it matter that the lake was frozen?

Mr. Astorino: The dye would come up through the dirt. That was one of the reasons why they had to come before the Planning Board. They are located within a Designated Protection Area. If they were not located within a Designated Protection Area, they would just go to the Building Department and get a building permit. They wouldn't need to come before us. But, since they are located within a Designated Protection Area, they had to come before us. One of the main reasons in my mind is to make sure the septic system is working properly.

Bob Ognek: Ok. Could you explain to me the item you brought up about the 6 to 8 inches?

Mr. Astorino: What he had done was done without Planning Board approval. That is why he is here. He went out from the footprint of his home. He went up higher. He went out approximately 8 or 10 inches on each side. He then framed it up. It meets the setback requirements of the Zoning Code. It also meets the height requirement of the new roof. He could go up to 35 feet in height.

Bob Ognek: What are the side yard setback requirements?

Mr. Astorino: I met with the Building Inspector today. He said that the side yard setbacks meet within the required range.

Bob Ognek: Is it the same if it is a protected water?

Mr. Astorino: Yes. It is in the zone.

Mr. Bollenbach: Ted, do you want to go over that the MS-4. Laura, maybe you might have some information on that. Greenwood Lake is designated as an MS-4, which is an impaired water body. There are different regulations whether or not the dwelling was pre-existing. There was a pre-existing dwelling. There are provisions that it could be retro fitted. That is why the Town requires that the dye tests be done. If it was a vacant lot and brand new construction, there would be different criteria. The OCHD has different criteria for existing.

Bob Ognek: So, it is still considered existing eventhough it is all brand new.

Mr. Bollenbach: Yes. It was pre-existing. There already was a residence on that lot with a septic system.

Bob Ognek: Is that even with the foundation and the footprint?

Mr. Bollenbach: That is why we are reviewing it. We are reviewing it to see that the septic is adequate. The footprint itself is basically within the same area. It meets the criteria of the Code.

Bob Ognek: Eventhough it is that much larger than the original was.

Mr. Bollenbach: Yes. What it is, it is the width of the 2x6. That is what was shown.

Bob Ognek: No. It was a lot more than that. What is a cinder block in inches? It has to be about 8 inches.

Mr. Astorino: A cinder block is 8 inches.

Bob Ognek: So, it is 8 inches plus there is another 4 or 5 inches between the old foundation and the new one. It is a big difference.

Mr. McConnell: Mr. Chairman, if we take a look at HDR's notes, it shows the exterior was at 923 s.f. whereas it is now 983 s.f.

Mr. Astorino: Yes.

Mr. McConnell: At least according to this, he added 60 s.f. to the footprint.

Mr. Astorino: Yes.

Laura Barca: It was 6 inches all the way around the perimeter.

Bob Ognek: It was 6 inches around the perimeter. That is what I am questioning. I have photographs to show. You could see where the old wall was and where the new foundation was put in.

Mr. Astorino: In this picture that you are showing us, is it this new 2x6 wall that you are talking about?

Bob Ognek: Yes. This is where my concern is. That is where the stream is. This setback at whatever it was is no longer for sure.

Mr. Astorino: I went to the Building Department today and questioned them about the setbacks. They told me that with everything that he had done, he is still within the setbacks.

Mr. Showalter: The Building Department wouldn't let them do it if he wasn't within the setbacks.

Mr. Astorino: He meets the setbacks and the height requirement.

Bob Ognek: It is a brand new structure. Don't new rules apply to a brand new structure? It is a lot more than 8 inches. The block alone is 8 inches.

Mr. Astorino: Dennis, what was the square footage?

Mr. McConnell: It went from 923 s.f. to 983 s.f. It is a 60-s.f. difference. The interior remains the same.

Mr. Astorino: Ok.

Bob Ognek: How could that be? How could the exterior change and the interior not change? It is a double wall all the way around.

Mr. McConnell: Unless, you don't take down the original wall.

Laura Barca: Right. The original 2x4 stayed where it was.

Bob Ognek: Have you seen it?

Laura Barca: I wasn't physically out there. My office took photos. The original 2x4 is there. Outside of that, there is a 2x6.

Bob Ognek: That is not the case. That is what I am saying.

Mr. Astorino: In the photo, this was where they went up. Is that correct?

Bob Ognek: Yes. You could see in the photo that the interior wall is gone. There is nothing left.

Mr. Showalter: Looking at the place in the photograph before and after, it looked like it was ready to fall down. He had to replace it.

Bob Ognek: He didn't replace it where it was. He made it bigger. Now, it is a brand new house.

Mr. Astorino: It is slightly larger than it was.

Mr. Showalter: It is slightly larger by 60 s.f.

Mr. Astorino: It is slightly larger on the outside footprint. It still meets the setback requirements. That is where we are at.

Bob Ognek: It doesn't come into play even though it is a new house.

Mr. Astorino: It was pre-existing. It was a renovation.

Bob Ognek: On the plan regarding the deck offset, there is a brand new deck that is about 2 to 3 feet further out than the old one.

Mr. Astorino: Do you mean from the lake?

Bob Ognek: No. I am talking about from the original deck. It says old and new is at a 16-foot setback.

Mr. Astorino: This is not the setback. The 16 feet is off the shoreline. That is not a setback.

Bob Ognek: Doesn't it say old and new?

Mr. Astorino: Is it before the 16 feet or after the 16 feet?

Bob Ognek: That is what I am saying. That is not the case. I think it is less.

Mr. Astorino: We could have that verified and correct it on the plan. That would not be a problem. The deck is already there.

Mr. Bollenbach: The deck is to be verified.

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

Laura Barca: Yes.

Bob Ognek: The plans that were submitted, do they need to show that the dock was moved?

Mr. Astorino: Is it a floating dock or a permanent dock?

Bob Ognek: It is a permanent dock.

Nick Catinella: It was done years ago. The DEC gave me a permit.

Mr. Astorino: Do you have a DEC permit?

Nick Catinella: Yes. That goes back about 5 years ago.

Mr. Astorino: Could you provide us a copy of the DEC permit?

Nick Catinella: Yes.

Bob Ogniek: Regarding the underground electrical service, is it covered on the plan that he is submitting?

Mr. Astorino: That would be done prior to the issuance of a C of O. He would have to provide that information to the Building Department.

Bob Ogniek: What about the existing exterior lights?

Mr. Astorino: They are recessed lighting. They are all down lighting fixtures.

Bob Ogniek: Does it matter how many?

Mr. Astorino: If there is any lighting coming off the property, it would have to be shielded. They are all down lighting.

Bob Ogniek: I read some place that they should be a minimum width apart. Is that the height from the ground?

Mr. Astorino: That would be for any type of pole lighting. This is just recessed soffit lighting. That would also have to go through an electrical inspection.

Bob Ogniek: Thank you.

Mr. Astorino: Is there anyone else wishing to address the Nick Catinella application?

Bill Hambor: I live on Cove Road. We are neighbors of both parties. We never received a letter like this when other construction was done on 25 Cove Road.

Mr. Astorino: Did it go before the Planning Board?

Bill Hambor: They had a permit.

Mr. McConnell: Who is 25 Cove Road?

Mr. Astorino: I don't have any idea.

Connie Sardo: That did not go before the Planning Board. That was just a building permit.

Bill Hambor: If Nick Catinella had to go through this process, why don't other neighbors have to go through it?

Mr. Astorino: I think it depends on the size and the scope of the project.

Mr. Bollenbach: It is a judgment call that goes by the Building Inspector. In this particular case, the Building Inspector issued a Violation/Order To Remedy. The way that violation was remedied was to make an application to the Planning Board to verify where the septic is located and that the septic is adequate and the construction is in accordance with the Code. If there was some other action that never triggered that violation, they would not be before the Planning Board.

Bill Hambor: Then, it would strictly be the Building Department's issue.

Mr. Bollenbach: Correct.

Bill Hambor: I am just curious. My wife's family has had the property for 65 years. As different properties adjacent to us have undergone different construction projects, we have never received a legal notice like this one before. I was wondering why? I guess it would be a Building Department issue not a Zoning issue.

Mr. Astorino: It depends on the case. It goes on a case-by-case basis.

Mr. Bollenbach: If it is before the Planning Board, it would also be the proximity of your property line to the neighboring property line.

Bill Hambor: In this case, we are not adjacent to the Catinella property.

Mr. Bollenbach: The setback for Greenwood is within 500 feet. It would be properties within 500 feet of the boundary of the subject property.

Bill Hambor: Ok. We are beyond that.

Mr. Bollenbach: If you are beyond the 500 feet, you would not have received a notice.

Bill Hambor: Ok. The other houses that were under construction, their septics were within 500 feet of ours. We are concerned about the health of our own property with our family. Ours is one of the few that are left that is not winterized. It doesn't get lived in all year round, but we are still concerned. The growth has been expanded in the last 25 years.

Mr. Bollenbach: That is what we are trying to do. We are trying to insure when renovations are done that the septics are adequate.

Mr. Astorino: We are trying to catch everything.

Bill Hambor: Ok. Thank you.

Mr. Astorino: Is there anyone else in the audience wishing to address the Nicholas Catinella application?

Connie Sardo: Mr. Chairman, we did not receive any comments from the ARB.

Mr. Astorino: Ok. Thank you.

Mr. Bollenbach: If you do have some addresses, give our Secretary a call tomorrow. We could take a look into what was done at those addresses. Sometimes, they are just septic repairs or upgrades that are done.

Bill Hambor: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Nicholas Catinella application? Let the record show no further public comment.

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

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

Mr. Showalter makes a motion on the Nick Catinella application, granting Site Plan Approval for the construction and use of renovations to an existing single-family home located within "A Designated Protection Area" of Greenwood Lake, situated on tax parcel S 76 B 1 L 58; parcel located on 21 Cove Road 100 feet north of Sanders Lane, in the SM zone, of the Town of Warwick, County of Orange, State of New York. A Type 2 Action was adopted on December 16, 2009. Approval is granted subject to the following conditions:

1. Deck setback from lake to be verified by HDR and Applicant to provide DEC Permit for dock prior the issuance of a Certificate of Occupancy.
2. Payment Of All Fees.

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

Nick Catinella: Thank you.

PUBLIC HEARING OF Warwick Views, LLC.

for Preliminary Subdivision Plat approval, Special Use Permit approval, and Site Plan approval for the construction of 53 single family dwellings together with \pm 6,020 lineal feet of new Town road, \pm 1,033 feet of new private road, and water, sewer and stormwater management facilities to serve the 53 dwellings, situated on tax parcels S 27 B 1 L 41.131, 47 and 48.1. The property is located on the northern side of Bloom Corners Road approximately 2000 feet southwest of the Hamlet of Edenville and the intersection of Bloom Corners Road and Pine Island Turnpike, in the Rural (RU), Aquifer Protection (AQ-O), and Agricultural Protection (AP-O) Zoning Districts, of the Town of Warwick, County of Orange, State of New York. The Planning Board, acting as Lead Agency under the State Environmental Quality Review Act (SEQR), required the applicant to prepare a Draft Environmental Impact Statement (DEIS). A SEQR public hearing on the DEIS will also be held on 1/20/10. The public comment period on the DEIS will remain open until February 3, 2010.

Representing the applicant: Kirk Rother, Engineer. John Cappella from Jacobowitz & Gubits. Kristen O'Donnell from the Turner Miller Group. Tom Cusack, LGB.

Connie Sardo: Mr. Chairman, I have mailed the Legal Notices to the adjoining property owners and certify that I have done so.

Mr. Astorino: Thank you.

The following comment submitted by the Conservation Board, dated 1/20/10:

Warwick Views, LLC. - The CB made the following comments in its November 17, 2009 memorandum on the PB's November 18, 2009 Agenda. The CB asks that these comments be made part of and read into the public hearing on January 20, 2010 as part of the SEQRA process:

CB would like to see the Visual Assessment complete as required by the scoping document. The whole point of a Visual Assessment is to show the "after" views. The fact that it is hard to do simply means the right folks have not been retained. Clarification of state versus federal wetlands and the methodology used should also be completed. The known presence of karst should be used to ensure that individual septic systems are located properly and, if a community sewage system is to be employed that must be carefully designed and maintained to ensure that the ground water is protected. The CB is supportive of a community sewage plan if it affords the opportunity for more open space.

The CB also notes the presence of wetlands and the fact this parcel is potential Indiana bat habitat. Accordingly, the CB supports the Town Engineer's comments on these issues.

The CB would also like the scoping document to address the integration of the open space with the Luft property open space. In addition, a one day biological site visit seems totally inadequate to survey for endangered or threatened species which had yet to emerge. Regarding impacts, the creation of 8.9 acres of impervious surface due to roads and driveways does not justify a statement that there will be no long term impacts, particularly when one takes into account oil, sealer and salt.

Finally, the reference to a conservation easement appears to be without specifics. For example, what entity will hold the easement? How will the easement boundaries be shown? Who will enforce the easement? Are there potential exceptions to the conservation easement?

The CB, therefore, recommends that a comprehensive biological survey of the property be undertaken to provide proof that there will be no adverse impacts on endangered and threatened species. In addition, the terms of the conservation easement should be spelled out in much greater detail.

The following comment submitted by the ARB:

Warwick Views, LLC. – None submitted.

Mr. Astorino: Ted, I will turn it over to you first. You could explain the process.

Mr. Fink: Ok. First, what I would like to do is give a little bit of an overview of the SEQR process. The applicant originally submitted an application for subdivision and special use permit approval to the Town Planning Board back in the year 2006. The Planning Board in reviewing the application made a determination that the project may have a significant impact on the environment. We required the applicant to prepare a Draft Environmental Impact Statement (DEIS). The first step in the process was to conduct a Public Scoping Session. The Planning Board advertised for a Scoping Session. We requested that the applicant prepare a Draft Scoping Document. That was a document that had identified all of the issues that they were proposing to include within the EIS. After the Public Scoping Session was held and we were in receipt of comments, the Scoping Document was revised. There were additions that were made to the Scoping Document. The Planning Board had adopted a Final Scoping Document. We handed the Final Scoping Document to the applicant. We directed the applicant to prepare the DEIS in accordance with the Final Scoping Document. The applicant had done so. The applicant came back about a year ago with a preliminary DEIS. The Planning Board conducted a review of that document against the Final Scoping Document to determine whether or not all of the issues that the Planning Board had directed the applicant to study had in fact been studied and were embodied within the documents submitted to the Board. There was some give and take. The Planning Board went through three different versions of the document until they were finally satisfied that the applicant had thoroughly studied the issues that they wanted to see addressed in the DEIS. Back in November, the Planning Board determined that the DEIS was complete. The Planning Board mailed out notices of that. They mailed out copies of the DEIS to all of the involved and interested agencies. We had made copies of the DEIS available at the Town Hall. We are now in the public comment period on the DEIS. The purpose of this is to solicit comments from other agencies that have to provide various permits whether it is Health Department permits, DEC wetland permits, etc... as well as from any members of the public that have an interest in the project. The public comment period for written comments is scheduled to close on February 3, 2010. That means there would be another 2 weeks for any written comments to be submitted. At the last Planning Work Session, I made a recommendation to the Planning Board to consider keeping the public comment period written part of it open for an additional 2 weeks to provide an additional time period for anyone that would be interested in this project to submit written comments. I believe the Planning Board will be taking that into consideration tonight. We would have the written comment period extended to February 17, 2010. After the public

comment period closes, a Stenographer is recording all of the comments that are received tonight orally and any written comments that are submitted will be responded to. There will be answers that will be provided in what is called a Final Environmental Impact Statement (FEIS). That is a document that the Planning Board has to be satisfied with that the answers of all the questions and concerns that have been raised have been adequately addressed. Once all of the questions and concerns have been adequately addressed, then the Planning Board would adopt that document. Then, they will move after that into a written Findings Statement. The Findings Statement will be a final SEQR determination as to whether or not to approve the project, or approve one of the alternatives that had been proposed as part of the project, or to deny the project. That would end the SEQR process. After that, the Planning Board would be in the position to consider approval of the subdivision, site plan, as well as a special use permit. Any questions that you raise tonight, if they are relatively of a simple nature, we might be able to answer you tonight. But, the purpose of tonight's public hearing is to listen to your questions and concerns. Then, we would provide a written response in the FEIS. That sums up where we have been with this project and where we are with it now.

Mr. Astorino: Thank you. Applicant to discuss project.

John Cappella: We are here to present the plan and the DEIS. Usually what I do as the attorney for the applicant is make a brief statement stating pretty much what Mr. Fink had just stated. This has been a 4-year process that we have gone through to bring this project up to the point of listening to your comments and concerns that we could record and address in detail in the FEIS. For those of you that did not have the chance to review this document, it is filed at the library and on the Town's website. You would have until February 13th possibly to February 17th to review it and submit your comments. Any relevant comments that you might have, we would be happy to address. We are proud of what this document states. It is in regards to a 49-lot subdivision plus 4-affordable homes, which are required by the Town's Zoning Code. This project is located on approximately 250 acres on Blooms Corners Road. This has been a 4-year process. Sometimes items and miss information get into the record and people start to believe that miss information. That is part of politics nationally and locally. What we are here today to do is to tell you the truth. Everything that we have proposed is in here and it is documented. Every legitimate concern that you have, we will take the time to respond to it. We will respond to it in detail. That is why we have a Stenographer here tonight. I could tell you the fees that we have paid to the Town and to the different agencies to review these documents in detail and to respond to it. We want to hear your concerns. We want to address them. We want to make you comfortable. In saying that, I will first introduce you to Kirk Rother, the engineer who prepared the subdivision plan and had done the engineering work. After Kirk Rother presents the plan, Kristen O'Donnell from the Turner Miller Group is the Planner who wrote the document. She will briefly take you through the studies and the information that is in the document. We will then kick it back to the Planning Board. We have the Stenographer here tonight to take your comments verbatim. We will take all the comments and prepare a FEIS.

Kirk Rother: The application before the Board is located on a tract of land comprised of 3 tax parcels of approximately 250 acres of land. They are located on the western side of Blooms Corners Road. Looking at the site context plan, it shows the property in relation to the surrounding boundaries. To the south of it, there is another subdivision called the Luft's Subdivision. Looking at the map, here is the intersection of Blooms Corners Road and County Route 1. The parcel is primarily vacant land at this time. There were former

agricultural uses on it. It was last being used as a pasture of houses. There are a few out buildings that were associated with that prior agricultural use. Those out buildings lie in the northeastern corner of the property. As we got into the design of the subdivision, we prepared two other alternative plans one being the yield plan and as part of the DEIS the Board asked for a conventional subdivision plan. This is a conventional subdivision plan that have 4-acre lots which is the minimum requirement in the RU zone. There are 45 lots shown on this plan. There is over 11,000 feet of road. There are two wetland crossings. One is located in the southern extremities and the other is central through the site on an existing farm road. The yield plan looks very similar to this. It is in the DEIS. The lot sizes are reduced to 3 acres because of the bonus density ordered by the Zoning Ordinance. A lot of effort was put into the yield plan with regards to onsite testing, road design, drainage design, home site locations, and slope analysis. Regarding the cluster plan, we started with the identification of primary and secondary conservation areas. The primary conservation areas are the wetlands, steep slopes, and streams. The secondary conservation areas are agricultural lands, tree lines, stonewalls, and a few other features that are outlined in the Zoning Ordinance. Then there is a 4-Step Design plan that is used once we have identified those features. Steps 1-A & 1-B are the identifications of the primary and secondary conservation areas followed by identification of potential development areas that are removed from those conservation areas to the greatest extent possible. Step 3 is the placement of homes on the property. Step 4 is the placement of streets and trails. Step 5 is the joining of the lot lines between the home sites. We have been through many iterations of this plan both internally in our office as well as in the DEIS. There were 6 alternatives officially proposed in the DEIS. This is the cluster subdivision plan that was originally pursued. Looking at the cluster plan in the purple area in the middle are State freshwater wetlands approximately 47 acres in size. All of the proposed layouts are driven primarily by two proposed road connections. One would be a new road connection off Blooms Corners Road. It is approximately 400 feet south of Almond Tree Lane. The second road connection would be with the stub road that was left on the adjacent Luft subdivision. The wetland crossing is at its narrowest point, which was dictated by the DEC as well as the stub connection to Luft, some of the alternatives look fairly similar because of those three variables that we don't have much control over. This plan proposes slightly over 69% of open space. There are 53 lots in total with 49 lots that we demonstrated on the yield plan plus 4 affordable homes. The Town has also encouraged us to pursue a community septic alternative.

Kirk Rother goes on and explains the community septic plan, tree lines, rock out crops, and the Millennium pipeline to the Board and audience. Kirk has stated based upon experiences in the past in the area of groundwater, the Planning Board asked the applicant to consider pursuing a central water supply for this project.

Tom Cusack: I am Senior Vice-President of LBG the consultant hydrologist of the project. To date, we have conducted extensive desktop evaluations of the parcel. In addition to that, we have done very specific onsite testing programs. Any of the executed onsite testing programs, a plan was submitted to the Town Engineer for approval prior to execution. The project consists of 53 units. It has 2 wells on site that were utilized for the on site development. The 53 units have a water supply demand of around 14.7 g.p.m. The regulatory agency in the State requires twice the average with the best well out. We had 2 on site wells tested, well #2 and well #5. Well #2 at the completion of drilling yielded at about 100+ g.p.m. Well #5 yielded at about 75 g.p.m. During the testing program, two individual pump tests were conducted. During the test event of well #2, we indicated a safe yield of approximately 39 g.p.m. In addition, well #5 was tested for an additional 72-hour

pump test and indicated a safe yield of 32 g.p.m. You have two sources exceeding twice the average water demand of the project. One of the comments or additional responses after the submission of our reports was how much additional water would be available from the onsite wells. Conservative we estimated somewhere around an additional 70 g.p.m. Additional testing would be required to demonstrate that. We are comfortable with a yield estimate of 70 g.p.m. During the testing program as you could see from this chart an extensive offsite monitoring program was conducted to determine potential offsite impacts. As you could see from this chart, there was very good coverage. This program was reviewed and approved by the Town Engineer. The water quality from the two wells meets drinking water standards. We would be required to do some additional testing under the ground water and the influence study for NYSDOH. That is about it regarding the water supply.

Mr. Astorino: Do any Board members or Professionals have any questions?

Mr. Singer: You said potentially 70 g.p.m. in excess of what this project would require. How many more homes would that support?

Tom Cusack: It would easily support around 50 to 100 homes depending on the bedroom count.

Kirk Rother: I am going from memory, but there is a letter in the file from Tom's office answering that question. I think the number was 74 four-bedroom homes.

Mr. Astorino: Thank you.

Kristen O'Donnell: I will briefly go over the DEIS. The document was prepared consistent with the adopted Scoping Document. That document contained existing conditions, assessed impacts, and proposed mitigation measures for all of the areas studied. There were a number of studies. The studies included soils, biological assessment, cultural resources, physical analysis, visual analysis, traffic and transportation, site utilities, and ground water. As Kirk had mentioned, six alternatives were studied including community septic. There were a couple different layouts that we toyed with. As Kirk had mentioned, the layouts that we proposed was a result of the design process. The one that the Board and our client are discussing, we are pursuing that alternative. That sums up the DEIS. It took me a year to write it.

John Cappello: I would recite that there was a traffic study done for the project. We have the traffic engineer here if there was a specific question that the Board wanted to hear regarding that.

Mr. Astorino: That was the point of the study. If we get any comments from the floor, it will be answered.

Kristen O'Donnell: The traffic study was done during the Scoping process. The Board and its consultants identified a number of intersections. Those were all set by the Board that we looked at. In the end, the traffic study works. We also took into consideration a number of pending and approved projects.

Mr. Astorino: I believe there were 8 other cumulative projects.

Mr. Bollenbach: Yes.

Mr. Astorino: I also believe endangered species was also addressed in the studies.

Kristen O'Donnell: Yes.

John Cappello: In the DEIS in the Table of Contents, you could see that we studied soils and geology of the site on both existing and proposed. Water Resources, Vegetation and Wildlife, which included endangered species and cultural resources, which included the archeological cultural resource studies in the appendices. We had done the Visual Impacts, Transportation, Land Use and Zoning, Police, Fire, and Emergency Medical Services, School District Services, Fiscal Impact Analysis, Recreation and Open Space Resources, Utilities, Water, Wastewater, and other utilities. We also included discussion about the alternatives, which included No-Build Alternative, Traditional Neighborhood Design, Conventional Subdivision, Reduced Scale Alternative, Alternative Cluster Design, and Alternative Energy Option. The DEIS is available on line and in the library.

Mr. Astorino: Ok. There is also a copy of the DEIS in the Planning office. Do any Board members or Professionals have any comments?

Mr. Singer: Ted, it is my understanding if you have 20 lots or more you would need two means of road access. Is that correct?

Mr. Fink: Yes. That is generally the case. That would be the case with yield plans. What we have done in cases where there have been more than 20 lots is to a large concept so that there is in and out with separate entrance and exit.

Mr. Astorino: We had done that on the Nop subdivision.

Mr. Singer: I am looking at the plan that was given to us tonight. I see there is one means of access over Blooms Corners Road. The other access seems to be going through the Luft property, which is questionable if that would ever be built. Do we have a 2nd access?

Mr. Bollenbach: That is the proposed 2nd access. That was why the stub road was provided in the Luft subdivision to provide interconnection to the adjoining parcels. That is something that is required under the Zoning. Whatever scenario is proposed, there would have to be two means of access provided in order to have a full buildout. Perhaps, it could be done in phases or sections and portions could be developed to still comply with the 18-lot maximum with a single road access. There are also restrictions on the length of cul-de-sacs. There are many factors to be considered. The way that the project is proposed is that the Luft access would be utilized.

Mr. McConnell: If the Luft project wasn't built or put off 10 to 15 years, this project would be limited to 18 lots. [Editors Note: See §137-18F; two means of access required for 20 lots or more].

Mr. Bollenbach: Correct.

Mr. McConnell: Ok.

Mr. Fink: They would really have no other alternative because of the configuration of the State wetlands on the site. It would involve substantial alteration of the State Protected wetlands to have a 2nd means of access that did not involve the Luft subdivision.

Mr. McConnell: This applicant has really gambled a lot on the Luft subdivision.

Mr. Astorino: That would be their gamble.

Mr. McConnell: I am just saying that they are gambling that the Luft subdivision would get built out. My guess would be for 18 lots this is a different economic result than if they built it out.

John Cappello: We would have to give you a reply in the FEIS.

Mr. Bollenbach: These are issues that are raised. The applicant will address them. We are not coming to any resolutions on addressing the issues.

Mr. McConnell: I understand that.

Mr. Astorino: Is there anyone in the audience wishing to address the Warwick Views application?

Kathryn Johnston Lomax: I live on Blooms Corners Road. I am the first house on Blooms Corners Road. Why do these maps not have to be drawn if there is no Luft subdivision? Why can't we have maps that just show Warwick Views? If they are not going to be done together, we have the right to see what the maps would look like. Is this one just 18 lots?

Mr. Bollenbach: I believe you have the site context map.

Mr. Astorino: No. The Luft subdivision is there. If the Luft subdivision doesn't go through, the applicant might address that issue.

Kathryn Johnston Lomax: Why wouldn't he have to draw the maps to reflect that? If Luft doesn't come through, the maps should reflect only 18 lots.

Mr. Astorino: Maybe, they would build a road for Luft. Then, they would have their access.

Kathryn Johnston Lomax: Why wouldn't we need to see that now?

Mr. Bollenbach: The Luft subdivision has already been approved.

Mr. Astorino: The road has been approved through Luft. Theoretically, if they wanted to build a road on Luft tomorrow, they would go and draw their permits and start building the road.

Kathryn Johnston Lomax: This was the only map that I was able to review. I haven't seen any of these other maps. I live on this road. I know the road well. Looking at the map, I was upside down trying to look at the map up and down trying to figure out where I was.

That could be because this is Almond Tree Lane up to Waterbury Estates. On the map, this would have to be Waterbury Road.

Mr. Showalter: I had seen that.

Kathryn Johnston Lomax: Except on the map it is not Waterbury Road. They have it marked as Onderdonk Road. That means all of these plans that have been submitted to the DEIS and everyone else has been done incorrectly. If I can't figure out on this map where I live, I don't know how they would be able to figure out what is going on. I would say that the whole thing would need to be chucked. We would need new plans.

Mr. Astorino: I am sure they would change the name of the road.

Mr. Bollenbach: I just want to point out that on the location map you have Walling Road connecting through to Blooms Corners Road. That is why we are looking for public comment so that the plans could be revised accordingly.

Kathryn Johnston Lomax: I have another question. Why would you put the community septic right on the road?

Mr. Astorino: It would depend on where it would work. Again, this is the comment period.

Kathryn Johnston Lomax: I don't even know what this would look like. Is it a brick building? Is it 3 stories high? Is it underground?

Mr. Astorino: The septic are underground.

Kathryn Johnston Lomax: It is all totally underground. You wouldn't see anything. Driving along Blooms Corners Road, all you would see would be the houses.

Mr. Astorino: There will be a visual analysis done.

Kathryn Johnston Lomax: Ok. These are completely underground. How do they empty them?

Mr. Astorino: They are septic systems. They have tanks.

Kathryn Johnston Lomax: Looking at the map, would the trucks pull into here?

Mr. Astorino: There would be access to get into there just like you would have to empty your own septic tank.

Mr. Bollenbach: Kirk, do you want to address that briefly?

Kirk Rother: Each of the proposed lots would most likely have their own septic tank. The sewage affluent would go into a collective system. Given the terrain on this property, it would be a pump station. It would all go into one central location. It would pump into what we have for now shown as two leachfields. This is a central field.

Kathryn Johnston Lomax: Looking at the map, why is this one bigger than the other one when there are fewer houses located here than over here?

Kirk Rother: This is a nice patch of ground to put in a septic system.

Kathryn Johnston Lomax: There wouldn't be anything to see.

Kirk Rother: It will be a field. Just like the way it looks right now.

Kathryn Johnston Lomax: When the truck comes in to empty that, how would they do that?

Kirk Rother: There is no truck emptying this.

Kathryn Johnston Lomax: Ok. Thank you.

Kirk Rother: It is sad that I got Onderdonk Road wrong especially when I live on Waterbury Road.

Mr. Astorino: Is there anyone else wishing to address the Warwick Views application?

Pat Adee: I live on Blooms Corners Road. I am right in front of the proposed road that is where Waterbury Road and Onderdonk Road comes down and to the back of my property. The road goes right behind my property. Would the septic system have tanks?

Kirk Rother: As far as the community septic, we are somewhat paving the way with this community septic plan. There are not any that I am aware of in the Town of Warwick or in Orange County. It is my understanding of it that this would be reviewed by the OCHD and the DEC. Each house would have a septic tank. From there, the sewage would go into a collection system to a central pump chamber. The reason for a pump chamber is because many of these houses are located uphill. The pump chamber would pump into these leachfields. From there, it would act just like a conventional septic system.

Pat Adee: Ok. They would have some sort of a sludge pump for all of these houses. Looking at the map, this area right here is large. This is obviously bigger than needed to support this smaller group of homes.

Kirk Rother: Correct.

Pat Adee: This one over here is rather small. Obviously, it would not be enough to support the large group of homes.

Kirk Rother: Correct.

Pat Adee: Looking at the map, from here up on the hill, you would be pumping quite a long distance of sludge.

Kirk Rother shows the community septic plan to Mr. Adee and explains the septic process to him. He also states that the Town is encouraging community septic. That is one of the reasons why this application is pursuing the community septic plan. In order for them to get it approved, the Town would have to be the entity involved in the oversight of the maintenance of this community septic.

Pat Adee: Who would pay for the community septic?

John Cappello: We would form a solid waste district. It would be just like a water or a drainage district. It would be taxed as a separate taxing entity.

Mr. Astorino: That is done for all the water districts within the Town of Warwick.

John Cappello: If the Town took 15 of these over the course of the next 100 years, then that cost would be shared among all the people who are served by it. If you are not served by one of these, then you wouldn't pay.

Pat Adee: I guess the proposal would be not so much of a community membership, it would be more of a Town tax.

Mr. Astorino: This would be a water and sewer district on this project.

Pat Adee: Would it be the same for the well?

Mr. Astorino: That would be a water district. I believe there are already about 4 or 5 Water Districts within the Town of Warwick. I assume it would be operated the same way as those water districts are.

Pat Adee: They would be taxed as such to pay for the placement of that.

Mr. Astorino: Yes.

Kirk Rother: The operation of that would be taxed.

Mr. Astorino: The operation would be for the maintenance of it and the up keeping.

Kirk Rother: It would also include the testing. They would be monitored on a daily basis. I just want to make you aware that the leachfields would be required to have a 100% surplus capacity.

Pat Adee: We didn't talk about The Aquifer Overlay District.

Mr. Astorino: That would be another issue. They are located within the Aquifer Overlay District. They would have to conform to that.

Pat Adee: Right. Where are the stormwater drains going?

Mr. Bollenbach: Kirk, could you show Mr. Adee on the plan where the storm water will be?

Kirk Rother: Some of these things will change slightly if it ends up going with this community septic plan. The overall plans are pretty much similar. Looking at the plan, there is a stormwater management pond located in this area. There is another stormwater management pond in this other area. There is also a third stormwater management pond located here in another area. In addition to the typical criteria associated with the DEC Guidelines and the SWPPP, we would incorporate some of the more recent site designs known as low impact design lid for better site design. We would actually do some of the stormwater management right on the site with rain gardens. From the individual lots and along the roadsides, there would be open drainage channels and swales versus catch basins and pipes. Lastly, it would go into these three detention ponds. From there, it discharges back into the wetland.

Pat Adee: I imagine that some thought has been put into runoff from construction and during construction.

Kirk Rother: Yes. There is an erosion sediment control plan. It is part of the process.

Pat Adee: The road is extremely close to the back of my property. How close would the road be to the back of my property?

Kirk Rother: Are you one of the three lots right across from Waterbury Road?

Pat Adee: Yes.

Kirk Rother: The 50-foot R.O.W. is touching these property lines. The reason for that are the wetlands. Our marching orders from the DEC when we are dealing with their wetlands are 100% avoidance. That is impossible, which is so on this property. We are entirely bisected by the wetlands. The 2nd order is to minimize the impact to the greatest extent as possible. Looking at the map, the narrowest point of the crossing is located within this area. This is also the headwater to this wetland. This wetland starts right here. It goes just off the property into Luft. The drainage flows the other way south into Pochuck Creek. This one flows north into Quaker Creek. Because this is the headwater which is the narrowest point, the DEC felt that would be the least ecological impact for the location of this. By virtue of that crossing, in order to get there from Blooms Corners Road results in us runic to those lots. We have also considered an alternative coming down through this 50-foot R.O.W. that we have to the south of this property. I am not sure which one of these three are yours.

Pat Adee: I am the middle one.

Kirk Rother: Looking at the plan, we explored an alternative coming down through here. It would be too steep for us to get a road down at even the maximum slope which is 10% waived up to 14% and we would still be within the grading with the 50 feet that we have. It is not a viable option.

Pat Adee: I understand the way you drew it on the map. At the bottom of my property, you would sink to your knees. It is really wet especially on a spring day. One of my primary concerns is noise. The residents in this area have been through a lot in the last couple of years with the replacement of the pipeline twice. The noise carries through that area. There are no trees there now. The noise carries tremendously. The noise was very

loud during the construction of the pipeline. This obviously with the road and the constant trucks building all of those homes that are up on the ridge would be extremely noisy for me. During the construction of these homes which would take a few years, it would be every day. I would consider that to be inconsiderate. It would be a very difficult thing to manage by having trucks go right behind my house. That would only be about 80 to 100 feet from my house.

Mr. Astorino: We might want to request some mitigation from the applicant regarding some additional screening.

Pat Adee: Would you put in some sound barriers?

Mr. Astorino: I don't know if you would want a sound barrier at the back of your property.

Mr. Bollenbach: It would be something for the applicant to address.

John Cappello: We have the comments. We will address it in the FEIS to the extent as we can. We will work it out.

Pat Adee: Noise is an issue. I am on a hill where it slopes down. I would see the entire development right behind me. It is right behind my house. What could be done to block some of these to make it less of a sight? Kirk had pointed out that from Blooms Corners Road you could see the entire development. So could I. What could be done to cover some of this up? It will be very visible. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Warwick Views application?

Shane Hayson and Simon Hayson come up to address their concerns on the Warwick Views application.

Simon Hayson: We live adjacent to the project. I have seen some of the earlier plans. It looks like you have been looking out for the neighbors of our community and us. We have about a 100-acre property that surrounds this proposed development. I would like to voice support for the fact that you moved the location of the dwellings further back. As far as I am concerned, I like the cluster design that flows out of the Master Plan. I believe in the preservation of the wetlands. This seems to take care of some of that. We have concerns about the impact on the water and the aquifer. The aquifer is very precious. Who would be running the management of the wetlands? I understand there would be a special district for the septic management and a special district for the water management.

Mr. Astorino: There will be a Drainage District.

Simon Hayson: That would be run by the Town.

Mr. Astorino: Yes.

Simon Hayson: Regarding the open space, would those be sold off? How do you intend to manage the open space?

John Cappello: Some of the issues like the management of the open space and the central sewer system, during this comment period, we are hoping to go before the Town Board to see how they would like us to handle it. We will discuss all of those issues with the Town Board. Then, we will give separate proposals to the Planning Board and the FEIS to determine how the best would be to handle that if there is an entity such as the Orange County Land Trust or if there would be someone that would be willing to take this if it has certain values that we could approach. There are some options. We will continue to explore them in the FEIS as the project moves forward. There will be a legal mechanism to insure that they would not be touched and that they could be enforced by the Town and by the individual property owners.

Simon Hayson: I am in favor of these community septic arrangements. I don't know much about them. It seems to me that they would give great control to what exactly happens. I am very much concerned about the impact on the aquifer. I don't know what your principal concerns are as a Board about this property from our point of view that the impact on the water is very important to us.

Shane Hayson: The septic that is up here by the road concerns me because that drains right down into the flow area behind the existing barn right into our horse pasture. The horse pasture is low and wet. This entire development will drain into our black dirt ditches. At the moment right now, they are ok. If we get any messing with the whole wetland area, that will flood and dry. It would make our farming operation difficult.

Mr. Astorino: Laura, correct me if I am wrong, but with the stormwater regulations, no more water could leave the site now as it is in its presently state than it would after its full build out. Laura, is that correct?

Laura Barca: Correct.

Shane Hayson: At that point, with those black dirt ditches they come into our ditches, would that be monitored?

Mr. Astorino: This site which has been reviewed by our engineers not only the applicant's engineer and everything that is sent to us and portrayed in the DEIS is also reviewed by our professionals. When the applicant says what they have done, we make sure that is happening. Regarding the stormwater, Laura's firm, HDR will review it by their stormwater experts to make sure the calculations and designs would be adequate and meet the thresholds.

Shane Hayson: Ok. Down the road, if I have a problem, you would be the ones that I would go to.

Mr. Bollenbach: One of Shane's concerns is that there is current agricultural ditching within that immediate vicinity already and the mechanism to insure that it continues to be maintained. There need to be provisions for the maintenance of these drainage structures. That is something the applicant should take a look at and address those concerns.

Shane Hayson: Ok. Regarding the clustering that seems to me is being spread all around the property, you are putting little lots which you are spreading all over the property, what is the purpose?

Mr. Astorino: I think we have looked at numerous plans. What is the open space on the newest plan?

Kirk Rother: The open space is 70%.

Mr. Astorino: I think with the community septic it would be tightened up with the community water, we asked them to tighten it up considerably.

Shane Hayson: Ok. The open space is at 75%.

Mr. Astorino: Is the open space at 75% now?

Shane Hayson: There are little 2-acre pieces that are not really good for anything.

Mr. Astorino: Maybe in your eyes. I would like to see it all contiguous. It is done on a case-by-case basis. Sometimes you can and sometimes you can't do that. There is a nice piece of open space behind that. It is still open space. It would be deed restricted. It will be marked with stone cairns. No one would be able to put a shed, pool, or anything out into the open space.

Shane Hayson: Ok. Who would own all of this?

Mr. Astorino: I believe that is yet to be determined.

Kirk Rother: The approach that we had in the layout of this was that this entire area could continue to be used as agricultural. That is why we kept the barns. We kept the wetlands which we know are black dirt. There was some corn and pumpkins growing there a few years ago. The ditches are still there. They are in poor shape. Someone could continue to use all of this as an agricultural property. With that in mind, we have the couple of points that I mentioned earlier. We have the Luft connection to Blooms Corners Road with connection of the wetland crossing. We basically fit as much as we could in here. We intentionally want to keep this open because this is very visible from Blooms Corners Road. We filled this in because it is somewhat removed from visibility. As part of the process and the citing guidelines, they also talk about some distance to the residents in the subdivision as well. There would be a loop road with open space in between them. Looking at the map, typically these little areas would be owned by an HOA. The lot with a restrictive covenant or easement would privately own this other area over the land. In the back, these lots could go either or. We could make it part of one large lot or part of the HOA.

Shane Hayson: This is steep, rocky, and wooded. I would like to see that preserved. This whole area to C.R. 1 is all beautiful rocks, caves, and wildlife. It would be nice to see all of that preserved. Thank you.

Mr. Astorino: Ok. Is there anyone else wishing to address the Warwick Views application?

Phyllis Briller: Are the roads that are being proposed to be public or private roads?

Mr. Astorino: There would be both a public road and a private road in there.

Kirk Rother: There would be a Town Road, Private Road, and shared driveways. It would be just the one road hopefully connecting to the Luft subdivision as a Town Road with no cul-de-sacs.

Phyllis Briller: There are revisions to the Town's Zoning Regulations which are currently before the Town Planning Board.

Mr. Astorino: Yes. We have them. We just received them tonight. John will make a comment on that.

Mr. Bollenbach: Yes. The applicant's proposal would have to comply with any regulations that do become adopted. There is a grandfather provision. It would be for applications that have already received preliminary approval. I believe that the Town Board plans to adopt some Zoning revisions prior to that. Any revisions that are adopted, the applicant would have to comply.

Phyllis Briller: Thank you.

Mr. Astorino: Is there anyone else wishing to address the Warwick Views application?

Wendy Schlesinger: I live on Blooms Corners Road. I have a question about the documentation that I had seen didn't have the community septic in it. Is there a revised document that has detailed information about it?

Mr. Astorino: It has been an ongoing process. This plan has evolved, I don't know how many times that we have seen it. It is all in the DEIS.

Kirk Rother: The DEIS does have this exact community septic plan in it. It is just not in color. It is on an 11x17.

Wendy Schlesinger: Ok. I don't remember seeing anything about a community septic.

Mr. Astorino: It has been talked about since the beginning. The Board has been looking at it more.

Wendy Schlesinger: Ok.

Mr. Fink: It was identified in the Scoping process.

Wendy Schlesinger: Ok.

Mr. Astorino: That was done earlier on.

Wendy Schlesinger: This road will be going past the back of my property. The piping connects to this giant septic tank. Would that be run through the road?

Mr. Astorino: I assume it would follow the road. I haven't seen the utility layout yet.

Kirk Rother: Generally, it would be in the road to the greatest extent possible. In that instance, there would be an easement to the benefit to the Town if it is not within lands owned by the Town such as the road itself.

Wendy Schlesinger: What other kind of work is put into that to support a septic system?

Kirk Rother: On the map, are you talking about this area?

Wendy Schlesinger: On the map, I am talking about right here.

Kirk Rother: In that area there would be a forced main which would be a smaller pipe. That would be within the Town's roadway.

Wendy Schlesinger: Ok. Are the orange spots on the map the people that participated in the well study? How many people participated in the well study? I know that I didn't.

Mr. Astorino: Ted, was that done within 1,000 or 1,200 feet?

Tom Cusack: It was greater than that. The orange area represents properties where wells were located and monitored. A total of 17 off site wells were tested and monitored.

Kirk Rother: The radius was 2,500 feet. There were two tests done. On the second test, for well #5 there were more homes tested, approximately 24 homes.

Tom Cusack: That would be correct.

Kirk Rother: You should have been contacted.

Wendy Schlesinger: I was contacted. If this is only 18 lots for Luft, would the infrastructure be built to support 54 lots?

Mr. Astorino: No. It is not 18 lots for Luft. The hypothetical was if Luft never was built because they have an interconnection with a road, then they would only be entitled to build 18 lots with a single access road with one way in and one way out.

Wendy Schlesinger: Ok.

Mr. Astorino: It will be their call. I think they fully realize if that road doesn't go through, they would be limited to what they could construct.

Wendy Schlesinger: I guess what happens to the plans for the septic and all of the other things, I am assuming that it would be built here to support 53 homes. Does all of that get scaled down?

Kirk Rother: We are not going to go down to 18 homes.

John Cappello: We will address that in the FEIS. We will address what we would build for each phase.

Wendy Schlesinger: Ok. Thank you.

Tom Cusack: We had done 25 wells for the pump test on Well #5.

Wendy Schlesinger: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Warwick Views application?

Simon Hayson: Looking at the map, as I understand it, this entire area here is represented by one well here. I think it is a little misleading to present this entire area as being tested when it was only one well that was tested.

Tom Cusack: That was how the Town Engineer wanted the map generated in the aspect of soliciting the properties within a certain radius.

Mr. Astorino: Is there anyone else?

Pat Adee: I want to be added to the list with the concerns of monitoring the wetlands and the aquifer. I am very concerned about that. I am also concerned about a stream that goes out towards Pine Island and C.R. 1. An underground stream comes out of the aquifer area that goes towards that direction. The other question I have is in regards to traffic. Did the traffic study include all of the Luft when the traffic study was done? Was it done on more than 70+ homes?

Mr. Astorino: It was more than that. I think there were about 8 or 9 subdivisions done that were built and proposed in the general area that we requested and our engineers requested.

Mr. McConnell: It was a cumulative effect.

Mr. Astorino: I can't recall the names of all the subdivisions, but they are indicated in the DEIS.

Mr. Fink: There were 8 developments included. The developments are as follows; Luft, Meadowbrook Farms at 34 lots, Moore Subdivision at 35 lots, Homestead Farms at 30 lots, Old World Estates at 7 lots, Colburn at 3 lots, Aigner at 4 lots, and the House subdivision. Those were all the subdivisions that were included in the traffic study.

Mr. Astorino: Those are subdivisions approved and pending but not all built out yet.

Pat Adee: Are they still all active and moving forward?

Mr. Astorino: It is as much as the economy allows it.

Pat Adee: I could read the study. But I was wondering if anyone knew what the percentage would be in the increase of traffic over what it is now.

Mr. Astorino: I don't know off the top of my head. I am sure all that information is in the study.

Pat Adeo: I am also concerned that Blooms Corners Road is a small road right now that everybody speeds on. The last thing I would want is for that road to become a 2-lane highway with a yellow line down the middle. Does the traffic study say that is warranted? Would the road stay the same?

Kirk Rother: What the traffic studies do they analyze and determine additions made to all the properties for the adjoining projects. The Town also gave us a list of intersections to analyze. We have analyzed the intersections of Waterbury Road and Newport Bridge Road. We have also analyzed Waterbury Road and C.R. 1, Blooms Corners Road and Newport Bridge Road, Waterbury Road and Blooms Corners Road, and Edenville. It is done in levels of service. That has to do with how long you have to wait at an intersection. In the 2012 built condition along with our project and every other projects that was affected was one of the approaches at the intersection of being built in one level of service... Everything else remained unchanged.

Pat Adeo: Ok. I remember during the Luft project the Planning Board had said that this intersection would be modified near the Luft before that project was to be built.

Mr. Astorino: Before they even start, that would be their first order of business. Unfortunately, the way the economy is, that threw it back.

Pat Adeo: I have a question on the calculation of the open space. Were all the wetlands included in the calculation of the open space?

Kirk Rother: Yes.

Pat Adeo: In the Comprehensive Plan it states, "*Conservation Planning often subtracts from the buildable area of the site wetlands, steep slopes, flood plains, and other environmentally sensitive features. While these areas make a fine open space they are unbuildable anyway and should not count towards the open space in the subdivision. They are not normally counted in conventional subdivisions and should not be counted in cluster subdivisions either.*" That is stated on page 71.

Mr. Astorino: They are definitely unbuildable areas. No matter how you twist it. You could call it what you want. They are staying open.

Pat Adeo: They are not supposed to be calculated as part of the open space.

Mr. Bollenbach: It is part of the open space. You would have to take a look at the Codification, not the Comprehensive Plan. Take a look at the Codification to see what is included.

Pat Adeo: Ok.

Mr. Astorino: Obviously, none of those was used to gain any lots. It is wetlands.

Mr. Fink: The Zoning Law requires that there would be a minimum of 50% of the property left as open space. As part of this current plan, it is more than 70% open space. Even though the wetlands were included in there, we would have to do calculations to check and see what percentage of that 70% open space that the wetlands constitute. In any case, the applicant does exceed the minimum that is required.

Pat Adee: What I do not understand is that the Comprehensive Plan also says that land should be preserved as agricultural areas. I wouldn't call wetlands agricultural.

Mr. Astorino: It is still a valuable open space.

Pat Adee: It is still open space, but nobody could do anything with it. It is not an agricultural area.

Mr. Astorino: I don't think the Comprehensive Plan dictates that all open space should be agricultural. I think you are missing the point. Even wetlands are considered valuable open space. It handles a lot of wildlife. The wetlands are now more monitored.

Mr. Singer: It is a great deal more than 60 acres that are not wetlands. They are covered. It is 116 acres above the 60 acres required, most of which is not wetlands.

Pat Adee: What is the percentage that they have for open space?

Mr. Showalter: They have 70.5% of open space.

Pat Adee: Ok.

Mr. Astorino: Is there anyone else wishing to address the Warwick Views application. Let the record who no further public comment. We will be extending the written comment period to February 17, 2010.

Mr. Fink: Yes.

Mr. Astorino: Is the Board ok with that?

Mr. McConnell: Yes.

Mr. Astorino: Ok. We will collect written comments until February 17, 2010 in the DEIS. Does the Board or its Professionals have any other comments?

Mr. Fink: If it looks like this community septic cluster alternative is one of the areas that we will be pursuing further analysis, we had discussed earlier the alternatives that the Planning Board felt were more viable alternatives than the others. That would be one factor to talk about at a work session. For the alternatives, we have not gone through the 4-Step Design process as we had with the proposed plan. That might be one of the next steps. We will need to go through the 4-Step Design process to see how this would comply with the actual cluster design process regulations. We could talk about that at a work session.

Mr. Astorino: Ok.

Mr. Bollenbach: Ted, Could the Board close the public hearing on the DEIS portion?

Mr. Fink: Yes. We will be leaving the written comment period open until February 17, 2010.

Mr. Astorino: We have a comment from the Conservation Board, dated 1/20/10. We did not receive any comments from the ARB.

Mr. Fink: We had several public hearings tonight. We had tonight the public hearing on the DEIS plus a public hearing on the subdivision, site plan, and special use permit. John, how should we handle the subdivision portion of the public hearing?

Mr. Bollenbach: We could adjourn the subdivision, site plan, and special use permit public hearings without date.

Mr. Fink: Ok.

Mr. McConnell makes a motion on the Warwick Views, LLC., application to close the public hearing on the DEIS and to continue the written comment period until February 17, 2010.

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

Mr. McConnell makes a motion on the Warwick Views, LLC., application to adjourn the Preliminary Subdivision Plat approval, Site Plan approval, and Special Use Permit public hearings without date.

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

Kirk Rother: Thank you.

Other Considerations:

1. **Cedar Ridge Subdivision** – Letter from Kirk Rother, dated 12/21/09 addressed to the Planning Board in regards to the Cedar Ridge Subdivision – requesting a 6-Month Extension on “Re-Approval” of Final Approval of a proposed 36-Lot cluster subdivision, situated on tax parcel S 7 B 2 L 51.2; parcel located along the south side of Wheeler Road approximately 1500 feet west of the intersection with C.R. 41, in the RU zone, of the Town of Warwick. Final Approval was granted on, 7/16/08. “Re-Approval” of Final Approval was granted on 7/15/09 became effective on, 7/16/09. *The applicant has stated that given the current economic climate, the applicant is unable at this time to satisfy the financial conditions associated with final approval, such as parkland fees and posting of a road bond.* The 6-Month Extension becomes effective on, 1/16/10.

Mr. McConnell makes a motion on the Cedar Ridge Subdivision, granting a 6-Month Extension on “Re-Approval” of Final Approval of a proposed 36-Lot cluster subdivision, SBL # 7-2-51.2. “Re-Approval of Final Approval was granted on 7/15/09 became effective on 7/16/09. The 6-Month Extension on “Re-Approval” of Final Approval becomes effective on, 1/16/10.

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

2. **Lands of Kirk Rother** – Letter from Kirk Rother, dated 1/7/10 addressed to the Planning Board in regards to the Lands of Rother Subdivision – requesting a 6-Month Extension on “Re-Approval” of Final Approval of a proposed 2-Lot cluster subdivision, situated on tax parcel S 42 B 1 L 110.4; parcel located on the western side of C.R. 1, 1885 feet north of Waterbury Road, in the RU zone. Final Approval was granted on, 7/16/08. “Re-Approval” of Final Approval was granted on, 7/15/09 became effective on, 7/16/09. *The applicant is currently in the process of satisfying the conditions of final approval.* The 6-Month Extension on “Re-Approval” of Final Approval becomes effective on, 1/16/10.

Mr. McConnell makes a motion on the Lands of Kirk Rother, granting a 6-Month Extension on “Re-Approval” of Final Approval of a proposed 2-Lot cluster subdivision, SBL # 42-1-110.4. “Re-Approval” of Final Approval was granted on, 7/15/09 became effective on, 7/16/09. The 6-Month Extension on “Re-Approval” of Final Approval becomes effective on, 1/16/10.

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

3. **Planning Board Minutes of 12/16/09** – Planning Board Minutes of 12/16/09 for Planning Board Approval.

Mr. McConnell makes a motion to Approve the 12/16/09 Planning Board minutes.

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

Correspondences:

1. Memo from Supervisor Sweeton, dated 1/20/10 addressed to the Planning Board in regards to the Proposed Zoning Changes.

Mr. Astorino: We will take a look at them. We will discuss that Monday night at the Work Session.

Mr. Bollenbach: I just wanted to mention to the Board that Ted will be emailing you a Scoping Document on Glenmere Preserve. It is a 200 something Units behind Glenmere Homesites. It will be a Planned Adult Community. It is located in the Village of Florida. They will be accessing at the Glenmere Homesites road. Ted will be sending the Board the Scoping Document and some comments. If you have a chance, take a look at that over the weekend. If you have any comments on that project, we could go over them on Monday at the Work Session. Ted will not be at the Work Session.

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 January 20, 2010 Planning Board meeting.

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