

TOWN OF WARWICK PLANNING BOARD
February 4, 2009

Members present: Chairman, Benjamin Astorino
Russell Kowal, Dennis McConnell
Carl Singer
Zen Wojcik, Tectonic 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, February 4, 2009 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.

PUBLIC HEARING OF Ray and Myrna Carlisle

Application for Site Plan Approval and Special Use Permit for the construction and use of a dog training facility, situated on tax parcel S 63 B 1 L 8.21 and L 8.22; project located on the western side of County Route 21 1500 feet north of Bowen Road (114 Warwick Turnpike), in the MT zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Kirk Rother, Engineer. Al Lipman, Attorney. Ray Carlisle, Applicant.

Connie Sardo: Mr. Chairman, we have just received the certified mailings for the Carlisle Public Hearing.

Mr. Astorino: Thank you.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
 - A. Planner to discuss sufficiency of existing & proposed screening landscaping.
 - B. At the Hours of Operation note, add "on weekends".
2. Applicant to discuss project.
3. The applicant has received a variance from the ZBA and the full text of the variance has been placed on the plan. The ZBA has amended their determination – place the full text of the amended determination on the plans.
4. Provide copies to the Planning Board Attorney of the deed to SBL 63-1-9 and lease for SBL 63-1-11.11 to show compliance with ZBA variance conditions. Place a note on the plans: "Parcel owner to maintain a copy of the current lease for SBL 63-1-11.11 with the Building

- Department. Provide an updated lease to the Building Inspector within 90 days of any changes.”
5. The titles for the various fence types, shown on sheet 2, do not correlate with the call-outs for fences and the Legend (fence types 1 thru 5) on the Site Plan and Landscape Plan. All linetypes used for different fences shall be included in the Legend.
 6. Provide a note at the Parking Calculations: “Total number of parking spaces required for the dog training facility was calculated by the applicant based upon their experience and the number of spaces likely to be needed during occasional events at the site. No parking is permitted along County Route 21.”
 7. Existing trees are situated in the area proposed to be reserved for “grass parking”. Either remove the trees or relocate proposed parking.
 8. Draw in the actual sight triangle, using lengths “a” and “b” as noted in NYSDOT Highway Design Manual §5.9.5. Include a note that the area of the sight triangles shall be kept free from visual obstructions. Show the four trees (Douglas fir, ash and cedar) next to the driveway located on the property line at CR 21 and show that these trees should be removed. (For traffic on CR 21, the view of vehicles exiting the site is blocked by the trees.) Replace the trees with suitable screening landscaping planted further back from the road.
 9. Note on the sign detail that a permit is required from the Building Department before a sign can be installed.

BEFORE FINAL APPROVAL:

10. Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes.
11. Applicant to provide 9-1-1 addressing.
12. Pay a 3-year term landscape bond and inspection fee for screening plantings.
13. Pay outstanding review fees.

The following comment submitted by the Conservation Board, dated 2/4/09:

Ray and Myrna Carlisle – None submitted.

The following comment submitted by the ARB, dated 2/4/09:

Ray and Myrna Carlisle – None submitted.

Comment #1: Board to discuss SEQR.

- A. Planner to discuss sufficiency of existing & proposed screening landscaping.
- B. At the Hours of Operation note, add “on weekends”.

Mr. Fink: The Planning Board has declared Lead Agency on this application. It is an Unlisted Action. Since most of the facility consists of existing structures and fences, from a SEQR standpoint, the primary issues with buffering to neighbors has been accommodated. The applicant has received variances from the ZBA for distance. There are some SEQR comments tonight regarding lighting, landscaping, and so forth. Regarding the sufficiency of existing and proposed screening landscaping, I haven't been out to the site. It is fairly a heavy wooded site along Warwick Turnpike. There was a landscape component prepared

that shows all of the trees and plantings that have been done recently. There is a recommendation by the Town's Engineer regarding site distance to remove a couple of the trees at the entrance on the County Highway. The OCDPW wants a commercial driveway entrance to the site. That might impact some of the additional trees that are here. The recommendation would be to have the applicant propose screening further in from the road that would shield the parking and so forth. Other than that, I think that is about it. All of the lighting is existing. There are lighting notes placed on the plan.

Mr. Astorino: What about the hours of operation note?

Mr. Fink: Yes. I believe the applicant has stated that it would be by appointment between 9:00 a.m. and 7:00 p.m.. There was no specifications for the competitions. I think the applicant had said they would do one to three competitions per year. There is no indication on the notes about the timing on that. That would also be restricted from 9:00 a.m. to 7:00 p.m..

Mr. Astorino: John, is that what we are looking at?

Mr. Bollenbach: Yes.

Mr. Astorino: Ok. It would be the same time.

Mr. Bollenbach: Let's revise comment #1 A. Comment #1-A would state as follow; "provide supplemental screening/landscape to the Town Planner's specifications". "This was a specific item that was addressed by the ZBA". It would be subject to a supplemental screening to whatever the Planning Board recommends.

Mr. Astorino: Ok. We will change the hours of operation. We will have a note on the plan for that.

Comment #2: Applicant to discuss project.

Kirk Rother: The application that is before the Board is for Mr. Carlisle to operate his dog training facility. He primarily houses his own dogs. He takes dogs in occasionally to train them for other clients. The Zoning Ordinance defines a kennel as any operation of which more than 3 adult dogs are kept on the premises at any one time. That primary item precipitated the site plan review of this matter. This application had appeared before the ZBA for a variance of 300-foot setback from an area of where the dogs are housed or to run. That is located on lands across C.R. #21. The ZBA has granted that variance. Mr. Carlisle also secured possession of a lot to the south of his existing residence. He has a tentative lease over lands to the north of his existing residence to meet the 300-foot setback.

Comment #3: The applicant has received a variance from the ZBA and the full text of the variance has been placed on the plan. The ZBA has amended their determination – place the full text of the amended determination on the plans.

Kirk Rother: Right. I just want to make the Board aware of something. The original language had the arrangement with the adjoining property owners backwards. We brought that to the attention of the ZBA. They have corrected that.

Mr. Bollenbach: We could delete the 1st sentence in comment #3. Comment #3, will read as follow; “The ZBA has amended their determination – place the full text of the amended determination on the plans and provide a map note summarizing the ZBA conditions to the Planning Board Attorney’s specifications”.

Kirk Rother: No problem.

Mr. Bollenbach: That was specifically related to the issue of common ownership of two of the parcels and the existence of a lease with the third parcel. That is precisely the condition of the approval that was granted.

Mr. Lipman: Do you want that as a note on the map?

Mr. Bollenbach: Yes. I would like to have that as a note on the map. It would also be a note in the condition of the approval so that the Building Inspector would see it. Having it also as some type of a map note would make it easier to see rather than having to pick through the amended variance.

Mr. Lipman: I would have thought we would record some kind of declaration that sets up the obligation to maintain that lease.

Mr. Bollenbach: We would have to do a declaration anyhow. We could incorporate that.

Mr. Lipman: Fine. We will put a note on the map.

Mr. Bollenbach: Yes. We would even reference it in the declaration.

Mr. Lipman: There was one thing that was missed. We also have an application before you for a special use permit to this use.

Mr. Astorino: It is for site plan and special use permit. Did I mess that up?

Mr. Lipman: No. When we discussed the project, we only mentioned site plan approval.

Kirk Rother: I just said site plan approval. That was my fault.

Comment #4: Provide copies to the Planning Board Attorney of the deed to SBL 63-1-9 and lease for SBL 63-1-11.11 to show compliance with ZBA variance conditions. Place a note on the plans: “Parcel owner to maintain a copy of the current lease for SBL 63-1-11.11 with the Building Department. Provide an updated lease to the Building Inspector within 90 days of any changes.”

Mr. Bollenbach: We could delete the last sentence in comment #4. Alan and I would work on that. We would come up with some kind of declaration. I would want to have a little flexibility on that.

Mr. McConnell: Yes. Presumably, if he was to purchase the property outright, you wouldn't need it.

Mr. Astorino: Exactly.

Mr. Bollenbach: Yes.

Mr. Lipman: We are purchasing it outright. It would be in someone else's name. John, it seems to me what we should really be talking about is the lands of Carras within this 300-foot radius rather than all of it. The house is outside of it. There is no point in giving Mr. Carlisle a lease on the house. That was not part of the arrangement between them. I don't think you would want that.

Mr. Bollenbach: I don't think it would be necessary.

Mr. McConnell: How close is the house to the 300-foot radius?

Mr. Lipman: It is very close. It is right on the edge.

Mr. McConnell: Right. Wouldn't you then presumably create some sort of a non-conforming matter?

Mr. Lipman: No. It is not a title issue. It is just a lease. A lease affects title, but we are not subdividing it. We are not changing the yard requirements at all. The maintenance in the applicant's name over control of the 300-foot radius is what I think is critical under the ordinance and the variance.

Mr. Bollenbach: You could just incorporate the precise verbiage of the ZBA variance.

Mr. Lipman: There is a practical matter that the parcel is almost preempted. There is very little left except coincidentally the house which is just on the edge of it. I don't think that would be a substantive issue. I think it would be nothing more than a technicality.

Mr. McConnell: Maybe, you should go back and get the ZBA to say that.

Mr. Lipman: No. If I have to, I would give you the lease rather than going back and forth.

Mr. McConnell: It seems like one ought to mention the other. They ought to reconcile.

Comment #5: The titles for the various fence types, shown on sheet 2, do not correlate with the call-outs for fences and the Legend (fence types 1 thru 5) on the Site Plan and Landscape Plan. All linetypes used for different fences shall be included in the Legend.

Kirk Rother: Right. There are many fences out here. We will correct that.

Comment #6: Provide a note at the Parking Calculations: "Total number of parking spaces required for the dog training facility was calculated by the applicant based upon their experience and the number of spaces likely to be needed during occasional events at the site. No parking is permitted along County Route 21."

Kirk Rother: No problem.

Comment #7: Existing trees are situated in the area proposed to be reserved for "grass parking". Either remove the trees or relocate proposed parking.

Kirk Rother: Ok.

Mr. Astorino: We talked about that at the work session. Zen, is that correct?

Zen Wojcik: Yes.

Kirk Rother: We will relocate the parking. There are only two or three spots that would be affected.

Comment #8: Draw in the actual sight triangle, using lengths "a" and "b" as noted in NYSDOT Highway Design Manual §5.9.5. Include a note that the area of the sight triangles shall be kept free from visual obstructions. Show the four trees (Douglas fir, ash and cedar) next to the driveway located on the property line at CR 21 and show that these trees should be removed. (For traffic on CR 21, the view of vehicles exiting the site is blocked by the trees.) Replace the trees with suitable screening landscaping planted further back from the road.

Kirk Rother: Ok.

Comment #9: Note on the sign detail that a permit is required from the Building Department before a sign can be installed.

Kirk Rother: Will do.

BEFORE FINAL APPROVAL:

Comment #10: Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes.

Kirk Rother: Ok.

Comment #11: Applicant to provide 9-1-1 addressing.

Kirk Rother: Yes.

Comment #12: Pay a 3-year term landscape bond and inspection fee for screening plantings.

Kirk Rother: Ok.

Comment #13: Pay outstanding review fees.

Kirk Rother: Yes.

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

Mr. Kowal: Are you missing a building on the plan?

Kirk Rother: Where?

Mr. Kowal: On the end where it states existing gravel driveway. Isn't there a building on there?

Mr. Lipman: You are talking about the office. It is not on a foundation.

Mr. Kowal: Doesn't that have to be shown?

Mr. Astorino: Is it a shed?

Mr. Lipman: Yes. It is a shed. It is a large shed.

Mr. Astorino: It definitely has to be shown.

Mr. Bollenbach: We will make that comment #14, locate office/shed on the plan.

Mr. Astorino: Do any Board members have any further comments?

Mr. Singer: What does Ted mean by a commercial driveway?

Mr. Fink: That is from OCDPW...

Mr. Astorino: Is it curbed?

Kirk Rother: No. It is not. Sheet 3 of the plan shows the County entrance design sheet. We submitted it back to the County. Today, I just received a letter back from the County indicating the only additional thing they want us to do is remove the split-rail fence that is within their R.O.W. It is just a 25-foot wide driveway. There are no curbs.

Zen Wojcik: You would pave the first 50 feet. In residential, you would pave the first 25 feet.

Mr. Singer: Is the whole driveway 20 feet wide or is it just at the entrance?

Kirk Rother: It is just at the entrance.

Mr. Astorino: This is a public hearing. If there is anyone in the audience wishing to address the Ray and Myrna Carlisle application, please rise and state your name for the record.

Tom Knuth: I am concerned about the operation of this. I know that it will be going through. I didn't want it to go through to begin with.

Mr. Astorino: Nothing has been finalized yet.

Tom Knuth: Is the operation Monday through Friday?

Mr. Astorino: It would also be on the weekends.

Tom Knuth: This would be so annoying as it is now. The dogs bark constantly. On the weekends, it would interrupt family gatherings and so forth. There would probably be another 30 dogs if he has these big training. I want to know who I should call when the noise is too excessive.

Mr. Astorino: You would call the Building Department. Zen, what is the decibel level for a commercial operation? I know we had done this for Mid-State Lumber.

Zen Wojcik: I think we have a new ordinance that the Town Board is looking at. I believe it is 75 decibels.

Mr. McConnell: It is 75 decibels at the property line.

Mr. Astorino: I believe the Town does have a sound meter. Is that correct?

Zen Wojcik: Yes.

Mr. Astorino: If that was the case, we could go out and measure it from the property line. If it exceeds that, they could cite the owner.

Tom Knuth: I don't want the weekend deals. I am against the operations. It is bad enough hearing them every day as it is regarding the barking. I don't think the 300-foot buffer zone would be good enough.

Mr. Astorino: Dennis, you are the dog man. I don't know if screening would keep the barking down.

Mr. McConnell: I don't have a problem with barking. Some screening might help. Where is your property located?

Mr. Knuth shows Mr. McConnell on the plan where his property is located. Mr. Knuth is located about 600 feet away from the property.

Mr. McConnell: Do you hear this pretty loud?

Tom Knuth: Yes. The barking echoes.

Mr. McConnell: Does that happen during the daytime or nighttime? When does that happen?

Tom Knuth: You could hear them at all different times. At night past 10:00 p.m., you don't hear anything. They are housed at that time.

Mr. McConnell: You don't, because they are inside.

Tom Knuth: Right now, the windows are closed.

Mr. Astorino: Regarding the events, what was the time?

Mr. Lipman: It would be from 9:00 a.m. to 7:00 p.m..

Mr. Astorino: Ok. It would be from 9:00 a.m. to 7:00 p.m..

Mr. McConnell: If it is the events that you are asking about, we have been told that there are thoughts about maybe two or three events per year. Mr. Carlisle, is that correct?

Ray Carlisle: Yes.

Mr. McConnell: Does the training go on 7 days per week?

Ray Carlisle: It would be 7 days per week.

Mr. McConnell: How many dogs are there other than the events?

Ray Carlisle: It would be about one or two dogs being trained at a time.

Mr. Astorino: Ok. We have that. The weekends and the noise are your concerns.

Tom Knuth: Right.

Mr. Bollenbach: You could file a complaint to the Building Department or to the Humane Society under the Ag and Markets Law requirements for unruly dogs barking. You could refer that to the Humane Society if it becomes a nuisance.

Tom Knuth: All right.

Mr. Astorino: There could be some screening put along that side to help buffer the noise. Ted, do you want to look into that?

Mr. Fink: Yes.

Mr. Bollenbach: It all depends where the noise is emanating from. I have been involved with many of these cases. Sometimes, it could be from the kennel area. Sometime, you could do some sound proofing there.

Tom Knuth: Could we get notification sent in the mail when he does have the events?

Mr. Bollenbach: That would be up to Mr. Carlisle at his discretion.

Mr. McConnell: That would be something amongst the individuals to work out.

Mr. Astorino: I was thinking that also. Is there anyone else wishing to address the Ray and Myrna Carlisle application? Let the record show no further public comment. Ted, maybe you could take a look at some screening along that side of the property for the noise. Do any Board members or Professionals have anything further?

Mr. McConnell makes a motion for the Negative Declaration.

Seconded by Mr. Singer. The following Resolution was carried 4-Ayes.

617.12(b)

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

Name of Action: Carlisle Dog Training Facility

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed Dog Training Facility at an existing residence, Town of Warwick, Orange County, New York, and

Whereas, there are other involved agencies pursuant to SEQR, including the Town ZBA, which has made its own determination of non-significance under SEQR, and

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 4/25/08, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

Now Therefore Be It Resolved, that the Planning Board adopts the findings and conclusions relating to probable environmental effects contained within the attached EAF and Negative Declaration and authorizes the Chair to execute the EAF and file the Negative Declaration in accordance with the applicable provisions of law, and

Be It Further Resolved, that the Planning Board authorizes the Chair to take such further steps as might be necessary to discharge the Lead Agency's responsibilities on this action.

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

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

Mr. Astorino: For the record, as Mr. Rother pointed out, he received a letter from OCDPW, dated 2/3/09 regarding the entrance.

Mr. Kowal makes a motion on the Ray and Myrna Carlisle application, granting Site Plan Approval and Special Use Permit for the construction and use of a dog training facility, situated on tax parcel S 63 B 1 L 8.21 and L 8.22; project located on the western side of County Route 21 1500 feet north of Bowen Road (114 Warwick Turnpike), in the MT zone, of the Town of Warwick County of Orange, State of New York. A SEQR Negative Declaration was adopted on 2/4/09. Site Plan Approval and Special Use Permit is granted subject to the following conditions:

- 1.A. Provide supplemental screening/landscape to the Town Planner's specifications.
- B. At the Hours of Operation note, ad "on weekends".
2. The ZBA has amended their determination – place the full text of the amended determination on the plans and provide a map note summarizing the ZBA conditions to the Planning Board Attorney's specifications.
3. Provide copies to the Planning Board Attorney of the deed to SBL 63-1-9 and lease for SBL 63-1-11.11 to show compliance with ZBA variance conditions.
4. The titles for the various fence types, shown on sheet 2, do not correlate with the call-outs for fences and the Legend (fence types 1 thru 5) on the Site Plan and Landscape Plan. All linetypes used for different fences shall be included in the Legend.
5. Provide a note at the Parking Calculations: "Total number of parking spaces required for the dog training facility was calculated by the applicant based upon their experience and the number of spaces likely to be needed during occasional events at the site. No parking is permitted along County Route 21."

6. Existing trees are situated in the area proposed to be reserved for “grass parking”. Either remove the trees or relocate proposed parking.
7. Draw in the actual sight triangle, using lengths “a” and “b” as noted in NYSDOT Highway Design Manual §5.9.5. Include a note that the area of the sight triangles shall be kept free from visual obstructions. Show the four trees (Douglas fir, ash and cedar) next to the driveway located on the property line at CR 21 and show that these trees should be removed. (For traffic on CR 21, the view of vehicles exiting the site is blocked by the trees.) Replace the trees with suitable screening landscaping planted further back from the road.
8. Note on the sign detail that a permit is required from the Building Department before a sign can be installed.
9. Provide the Declaration and the Recording Information on the plan for Ridgeline Overlay Notes.
10. Applicant to provide 9-1-1 addressing.
11. Pay a 3-Year Term Landscape Bond and Inspection Fee for Screening Plantings.
12. Locate office/storage shed on the plan.
13. Pay Outstanding Review Fees.

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

Kirk Rother: Thank you.

Mr. Lipman: Thank you.

PUBLIC HEARING OF Eric and Elizabeth Kohlmeier

Application for Site Plan Approval for the construction and use of an addition/renovations to an existing single-family dwelling and a dock, entitled, "***Kohlmeier Residence***", located within "*A Designated Protection Area*" of Greenwood Lake situated on tax parcel S 75 B 1 L 12.21 ; project located on the southern side of Lakeshore Road 2000 feet northeast of intersection Route 210 (98 Lakeshore Road), in the SM zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Mary Staikos, Architect. Eric and John Kohlmeier, applicants.

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

Mr. Astorino: Thank you.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. FOR THE RECORD - The applicant has obtained variances from the ZBA and the full text of the variance is included in the plans.
4. Locate the outlets for roof and/or footing drains on the Site Plan. Note that the drains should outlet onto a vegetated area a sufficient distance from the lake to dissipate the flow.
5. Show erosion control measures to be installed between any proposed excavation (foundation, footprint expansion, wall footings) and the lake, in accordance with the latest revision of *NYS Standards and Specifications for Erosion and Sediment Control* (NYSDEC). Show a location for a temporary stockpile of excavated material with sufficient erosion control measures. Provide details.
6. At the Aerobic System Treatment Notes, add to Note 3 that a copy of the service contract must be provided to the Town of Warwick Building Inspector and a copy must be provided whenever the contract is renewed. Also, add to the notes any manufacturer's certification that the Aerobic Treatment Unit is classified as Class I in accordance with NSF Standard 40, as required by the NYSDOH.
7. Provide specific elevations for pump on, pump off, alarm, etc., in the pump pit.
8. The Disposal Bed Typical Section calls out "Existing/Proposed Retaining Wall". This wall is not also shown on the Existing Walls to be Removed Detail. Clarify if all, part, or none of these walls will be removed or constructed as part of this project.
9. A detailed design of the proposed reinforced concrete retaining wall was provided and is being reviewed by the Town Engineer.
10. A detailed design of the proposed docks and their supports was provided and is being reviewed by the Town Engineer. A permit is required from NYSDEC. Note #1 on the Proposed Dock Construction plan should state that a building permit for the docks will not be issued without a copy of a valid NYSDEC permit attached to the application.

11. Pay outstanding review fees

The following comment submitted by the Conservation Board, dated 2/4/09:

Eric & Elizabeth Kohlmeier – None submitted.

The following comment submitted by the ARB, dated 2/4/09:

Eric & Elizabeth Kohlmeier – None submitted.

Comment #1: Board to discuss SEQR.

Mr. Fink: The Planning Board has already declared itself Lead Agency. It is an Unlisted Action. The primary issue under SEQR was the septic system because of the proximity to Greenwood Lake. The applicant will be installing an aerobic treatment unit. Since there will be construction, there are some concerns about erosion control. The comments do reflect that tonight. I directed the applicant to provide an erosion control plan and erosion measures in conformance with the State's commands. The other SEQR issue was visual. The applicant has provided us with photographs showing us the surrounding area. They are going to be replacing the existing house and going up one-story. We do have color photographs for the record that they provided.

Mr. Astorino: Do they meet the height requirements?

Mr. Fink: Yes.

Comment #2: Applicant to discuss project.

Mary Staikos: We are back before the Board to take down the existing house and put up a new house in its place. It would be a little bit larger than the existing house to meet the Kohlmeier's needs for a future retirement home and current weekend house. There would be decks facing the lake. It has been designed to take advantage of the views of the lake. They want to make this a special place for them so they could enjoy the lake and area.

Comment #3: FOR THE RECORD - The applicant has obtained variances from the ZBA and the full text of the variance is included in the plans.

Comment #4: Locate the outlets for roof and/or footing drains on the Site Plan. Note that the drains should outlet onto a vegetated area a sufficient distance from the lake to dissipate the flow.

Mary Staikos: Yes.

Comment #5: Show erosion control measures to be installed between any proposed excavation (foundation, footprint expansion, wall footings) and the lake, in accordance with the latest revision of *NYS Standards and Specifications for Erosion and Sediment Control*

(NYSDEC). Show a location for a temporary stockpile of excavated material with sufficient erosion control measures. Provide details.

Mary Staikos: Yes.

Comment #6: At the Aerobic System Treatment Notes, add to Note 3 that a copy of the service contract must be provided to the Town of Warwick Building Inspector and a copy must be provided whenever the contract is renewed. Also, add to the notes any manufacturer's certification that the Aerobic Treatment Unit is classified as Class I in accordance with NSF Standard 40, as required by the NYSDOH.

Mary Staikos: Yes.

Comment #7: Provide specific elevations for pump on, pump off, alarm, etc., in the pump pit.

Mary Staikos: Yes. We did add that.

Comment #8: The Disposal Bed Typical Section calls out "Existing/Proposed Retaining Wall". This wall is not also shown on the Existing Walls to be Removed Detail. Clarify if all, part, or none of these walls will be removed or constructed as part of this project.

Mary Staikos: Those walls are currently in existence. It is the intent that we would keep the walls. If something needs to be replaced because of any damage during the renovations to the septic system, then it would be replaced.

Comment #9: A detailed design of the proposed reinforced concrete retaining wall was provided and is being reviewed by the Town Engineer.

Zen Wojcik: Mr. Chairman, I would like to add to that. I have provided the applicant and the Board with Supplementary Comments of our review of the structural plans for the retaining wall and the dock. Those comments are technical in nature. I don't think those comments would have much bearing on any decision that the Board might make tonight.

Mr. Astorino: This is to make sure the retaining walls are done properly.

Zen Wojcik: They are technical notes.

Mr. Bollenbach: We will list Tectonic's Supplementary Comments, dated 2/4/09, items 1 through 14 for the record. All of these comments would be addressed to the Town Engineer's satisfaction prior to issuance of a building permit.

Mr. Astorino: Yes.

SUPPLEMENTARY COMMENTS:

Retaining Wall -

1. The retaining wall calculations should include the appropriate surcharge loads behind the wall due to construction traffic and parked vehicles within the parking lot above.
2. The retaining wall dimensions within the calculations vary slightly from the retaining wall dimensions shown on the drawing. The calculations should be revised based on the design drawings.
3. The height of retained soil shown in the calculations should include the footing as well as stem height, which based on the drawings would be 13 feet (12.0 feet + 1.5 feet – 0.5 feet).
4. The layer of drainage stone behind the wall should extend to the base of the footing and a drainage pipe should be provided at the base of the footing. Otherwise, the effects of groundwater (saturated soil) should be considered on the wall loading. The use of weep holes is acceptable, but only if the drainage layer extends to the base of the footing.
5. The design should obtain a minimum Factor of Safety (FS) against bearing capacity failure of 3.0, a FS against sliding of 1.5, and a FS against overturning of 2.0.
6. Place a note on the plan that the Owner will provide the Town's Building Inspector with a copy of the certification from the concrete supplier that the concrete delivered to the site has at least the compressive strength noted on the plans.
7. Provide minimum requirements for compaction (in terms of dry density) and moisture content of backfill, as well as backfill placement procedures, with consideration for benching of the backslope behind the retaining wall during fill placement.
8. Subsoil conditions are not known at the site of the proposed wall. Place notes on the plans or provide an alternate detail if rock is encountered at a depth and location that would preclude construction of the wall as shown. Consideration of rock anchors should be included.

Docks -

9. No geotechnical data was presented concerning the design and installation of the piles.
10. The type of pile driving rig should be provided, including minimum hammer energy and driving/refusal requirements.
11. The anticipated pile depth should be provided. What alternatives are there if the necessary pile depth cannot be achieved?
12. Calculations showing the development of axial resistance of piles as well as resistance to lateral loading and internal pile shear and moments should be provided.
13. Indicate if pipe piles are to be open-ended or close-ended and if concrete and rebar are proposed for inside the piles.
14. Indicate the overall pile capacity on drawings and comment on the recommended method of confirmation of pile capacity (static load test, PDA testing, etc.)

Comment #10: A detailed design of the proposed docks and their supports was provided and is being reviewed by the Town Engineer. A permit is required from NYSDEC. Note #1 on the Proposed Dock Construction plan should state that a building permit for the docks will not be issued without a copy of a valid NYSDEC permit attached to the application.

Mary Staikos: Yes.

Comment #11: Pay outstanding review fees.

Eric Kohlmeier: Yes.

Mr. Astorino: Do any Board members or Professionals have any comments? Zen, as far as the docks go, our review goes to what is on the land. Is that correct?

Zen Wojcik: That was what the Town regulated. We look at the structure of it for safety issues.

Mr. Astorino: The DEC/ACOE regulates what is in the lake.

Zen Wojcik: That is why we make the recommendation that they have a permit. They have made an application. We have received a copy of that. It is still being processed.

Mr. Astorino: Ok. This is a public hearing. If there is anyone in the audience wishing to address the Eric and Elizabeth Kohlmeier application, please rise and state your name for the record. Let the record show no public comment.

Mr. Singer makes a motion for the Negative Declaration.

Seconded by Mr. McConnell. The following Resolution was carried 4-Ayes.

617.12(b)

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

Name of Action: Kohlmeier Residence Renovations

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed Site Plan within the Designated Protection Area of Greenwood Lake, Town of Warwick, Orange County, New York, and

Whereas, there are other involved agencies pursuant to SEQR, including the Town ZBA which has issued its own determination of non-significance and

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 6/6/08, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

Now Therefore Be It Resolved, that the Planning Board adopts the findings and conclusions relating to probable environmental effects contained within the attached EAF and Negative Declaration and authorizes the Chair to execute the EAF and file the Negative Declaration in accordance with the applicable provisions of law, and

Be It Further Resolved, that the Planning Board authorizes the Chair to take such further steps as might be necessary to discharge the Lead Agency's responsibilities on this action.

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

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

Mr. Kowal makes a motion on the Eric and Elizabeth Kohlmeier application, granting Site Plan Approval for the construction and use of an addition/renovations to an existing single-family dwelling and a dock, entitled, "**Kohlmeier Residence**", located within "*A Designated Protection Area*" of Greenwood Lake, situated on tax parcel S 75 B 1 : 12.21; project located on the southern side of Lakeshore Road 2000 feet northeast of intersection Route 210 (98 Lakeshore Road), in the SM zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on February 4, 2009. Site Plan Approval is granted subject to the following conditions:

1. Locate the outlets for roof and/or footing drains on the Site Plan. Note that the drains should outlet onto a vegetated area a sufficient distance from the lake to dissipate the flow.
2. Show erosion control measures to be installed between any proposed excavation (foundation, footprint expansion, wall footings) and the lake, in accordance with the latest revision of *NYS Standards and Specifications for Erosion and Sediment Control* (NYSDEC). Show a location for a temporary stockpile of excavated material with sufficient erosion control measures. Provide details.
3. At the Aerobic System Treatment Notes, add to Note 3 that a copy of the service contract must be provided to the Town of Warwick Building Inspector and a copy must be provided whenever the contract is renewed. Also, add to the notes any manufacturer's certification that the Aerobic Treatment Unit is classified as Class I in accordance with NSF Standard 40, as required by the NYSDOH.
4. Provide specific elevations for pump on, pump off, alarm, etc., in the pump pit.
5. The Disposal Bed Typical Section calls out "Existing/Proposed Retaining Wall". This wall is not also shown on the Existing Walls to be Removed Detail. Clarify if all, part, or none of these walls will be removed or constructed as part of this project.
6. A detailed design of the proposed reinforced concrete retaining wall was provided and is being reviewed by the Town Engineer. Address Tectonic's Supplemental Comments dated 2/4/09 # 1 through #14 prior to the issuance of a Building Permit. (See attached).
7. A detailed design of the proposed docks and their supports was provided and is being reviewed by the Town Engineer. A permit is required from NYSDEC. Note #1 on the Proposed Dock Construction plan should state that a building permit for the docks will not be issued without a copy of a valid NYSDEC permit attached to the application.
8. Pay Outstanding Review Fees.

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

Mary Staikos: Thank you.

Eric Kohlmeier: Thank you.

Review of Submitted Maps:***Lands of Howard Shapiro***

Application for sketch plat review of a proposed 7-Lot (Major) subdivision, situated on tax parcel S 42 B 4 L 50; parcel located on the northern side of Orange County Route 1A 500 feet north of West Street Extension, in the SL zone, of the Town of Warwick. Previously discussed at the 12/17/08 Planning Board meeting.

Representing the applicant: Al Lipman, Attorney.

The following comments submitted by Tectonic:

None submitted.

The following comment submitted by Conservation Board, dated 2/4/09:

Lands of Howard Shapiro – None submitted.

The following comment submitted by the ARB, dated 2/4/09:

Lands of Howard Shapiro – None submitted.

Mr. McConnell: Is that an accurate description? It states that it is north of West Street Extension. Shouldn't that be north of West Street? The extension is on my side of County Route 1A.

Connie Sardo: It is 500 feet north of West Street Extension.

Zen Wojcik: I believe that West Street Extension is within the Town. It is West Street in the Village.

Mr. McConnell: Ok. The break is not at C.R. 1A, but it is at the Village line. I stand corrected.

Mr. Lipman: I think you might be right. There is no signage to call it West Street Extension.

Mr. McConnell: I think the sign at the corner says West Street.

Mr. Astorino: We will check on that. We will check to see where West Street stops and West Street Extension extends. That would not be a problem.

Mr. McConnell: I just want to make sure everyone understands.

Mr. Astorino: We could put a sign out there tomorrow, if it needs it. That would not be a problem.

Mr. Lipman: I had that problem describing the piece across the road from this.

Mr. McConnell: Across, which road?

Mr. Lipman: Across... That is the question. I come to the conclusion that it is West Street.

Mr. McConnell: The break is at C.R. 1A?

Mr. Astorino: I always called it West Street. John, would you like to start commenting on this application?

Mr. Bollenbach: It is pretty much a summary or follow up from our December 17, 2008 meeting. At that time, there was discussion as to whether or not central sewer and water facilities are required for these additional 7 lots. During that December 17, 2008 meeting, I read General Note #5 on the approved plan for Pelton Crossing.

Mr. Lipman: That was for West View Estates.

Mr. Bollenbach: Yes. It was West View Estates at the time. General Note #5, states; *“Being that this is a cluster subdivision, no further subdivision is permitted, except for the unrestricted portion of the remaining lands located outside the limits of the cluster development area. Development of this unrestricted portion is subject to connection of public water and sewer for all lots, if required by law at that time”*. We are trying to determine whether or not this is required by law at this time. One of the things that I was charged with was to review the declarations which were recorded for this particular application. The amended declaration referenced compliance with §137-7(B)(3)(b), which cites a necessity for central sewer and water services beyond the 49 lots unless a waiver is granted by the DEC Commissioner. We had received a letter from OCHD which was actually a non-jurisdiction letter. However, it is not a waiver letter. That was discussed at some length during the December 17, 2008 meeting. I also had done some further research. There were additional declarations between Howard Shapiro personally, Warwick Housing, and Pelton Crossing when 47 of those lots were conveyed to Pelton Crossing. Within that declaration, it also reserves the right for Shapiro, Warwick Housing, and whichever Holding Companies that are related, that they reserve the right to install central sewer and water facilities within the roads in the subdivision. Also, the road dedication irrevocable offers to the Town also reserve those rights for installation of central sewer and water facilities. During the last work session all of this was explained, as we reiterated during the December 17, 2008 meeting, that no SEQR action would be taken because the application is deemed to be incomplete. That is why we are here this evening. We are here to put this on the record and for the Board to come to some consensus that the application is still incomplete. The applicant is not showing some type of central sewer and water facilities at least at the level of sketch review.

Mr. Astorino: I believe that was where we were at the work session. Do any Board members have any comments on that?

Mr. McConnell: The waiver by the secretary of the DEC?

Mr. Bollenbach: It is the Commissioner of the DEC.

Mr. McConnell: As I recall, it is a waiver upon a finding. Does there have to be a finding?

Mr. Bollenbach: I will read it specifically. *“No more than a total of 49 lots may be created either simultaneously or sequentially from a parent parcel for which both central sewer and water services do not exist. [(NOTE: Subject only to the waiver of the Commissioner of Environmental Conservation, State of New York, if warranted by soils characteristics.)]”* All we received was a letter from the County Health. Discussed also was whether authority was properly delegated. Perhaps even if it has, it is not a waiver and it is not based on soil characteristics.

Mr. McConnell: Ok. Thank you.

Mr. Astorino: Does the Board have anything further? Do we have a consensus from the Board that it is an incomplete application?

Mr. McConnell: I agree.

Mr. Astorino: Let the record reflect a consensus.

Mr. Lipman: I thought the Board was going to adopt a resolution.

Mr. Bollenbach: I thought you were just looking for some type of a formal consensus that central sewer and water was required.

Mr. Lipman: But, a formal consensus takes the form of a resolution.

Mr. Bollenbach: I don't have a resolution prepared.

Mr. Lipman: I was very happy with what you had read and recited. If you could simply embody that into a resolution.

Mr. Bollenbach: If you are requesting a formal resolution, I would like to have the opportunity to prepare the formal resolution and provide it to the Planning Board members for their comments, so I could cite specific sections that I have discussed.

Mr. Lipman: I would appreciate that. That is what I thought we had said was going to happen tonight.

Mr. Bollenbach: I apologize. It was my misunderstanding.

Mr. Lipman: One of us did. But, if you could do that, I would appreciate it.

Mr. Astorino: John, you will get the resolution together? If any Board members have any comments on this resolution, you will need to talk to John about it while he is incorporating it.

Mr. Lipman: Thank you.

Carroll Equipment / Steve Saufroy 2-Lot Subdivision

Application for Sketch Plat Review of a proposed 2-Lot (**Major**) subdivision, situated on tax parcel S 31 B 2 L 30.21; parcel located on the northern side of Denton Lane 880' east of Ackerman Road, in the RU zone, of the Town of Warwick. ZBA granted 280a Variance, granted on 10/27/08.

Representing the applicant: Ernie Johnson, Engineer from FUSCO Engineering.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. Complete and submit a Sketch Plan Checklist and provide the following information required on the plan for a Sketch Plan submittal.
 - a. Bar scale,
 - b. Tree lines, stone walls, and locations of isolated trees over 12 inch caliper and all trees over 24 inch caliper,
 - c. Utility poles on Denton Lane (and possibly on parcel),
 - d. Correct soil mapping (an unidentified soil boundary is shown on the plan, check if all designations are correct),
 - e. Dimension setback lines,
 - f. Show that all lots conform to the square rule (§137-21K),
 - g. Provide sight distance triangles at driveway / road intersection (ref. NYSDOT Highway Design Manual §5.9.5). Dimension sight triangles. Indicate that actual sight distance equals or exceeds minimum sight distance. Include a note that the area of the triangles shall be kept free from visual obstructions.
 - h. Estimate the area of disturbance and note on the plan.
4. Add Ms. Maureen Cozad's name to the owners of this parcel.
5. On Sheet 3, test pits are shown to have been dug on January 10, 2008, and a specific percolation rate is used in the septic design. Percolation tests and deep test pits were not witnessed by the Town Engineer at this site. Schedule witnessing of percs & deeps and revise the information as necessary.
6. Provide a Profile of the proposed Lot #2 driveway and a typical cross-section of the driveway in accordance with §A168-19. Note that all driveways must conform with §A168-19.
7. Place full text of ZBA Determination on the plans.

The following comment submitted by the Conservation Board, dated 2/4/09:

Carroll Equipment / Steve Saufroy 2-Lot Subdivision – None submitted.

The following comment submitted by the ARB, dated 2/4/09:

Carroll Equipment / Steve Saufroy 2-Lot Subdivision – None submitted.

Comment #1: Board to discuss SEQR.

Mr. Fink: The applicant has submitted a short EAF form to the Planning Board. It is an Unlisted Action. There are no other involved agencies. The Planning Board could go ahead and declare Lead Agency.

Mr. McConnell makes a motion for Lead Agency.

Seconded by Mr. Kowal. The following Resolution was carried 4-Ayes.

617.6

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

Name of Action: Carroll Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by Steve Saufroy for a \pm 10.42 acre parcel of land located at Denton Lane, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated undated was submitted at the time of application, and

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

Whereas, the Planning Board has determined that the proposed project is within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) apply meaning that an Agricultural Data Statement must be filed, forwarded to the owners of farm operations within 500 feet of the site and then considered by the Planning Board, and

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

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

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

Comment #2: Applicant to discuss project.

Ernie Johnson: Mr. Saufroy proposes a 2-Lot subdivision off Denton Lane which is a Private Road. We are proposing one 4-acre parcel with a new house. The other parcel with 6.41 acres has an existing house which would remain there.

Comment #3: Complete and submit a Sketch Plan Checklist and provide the following information required on the plan for a Sketch Plan submittal.

- a. Bar scale,
- b. Tree lines, stone walls, and locations of isolated trees over 12 inch caliper and all trees over 24 inch caliper,
- c. Utility poles on Denton Lane (and possibly on parcel),
- d. Correct soil mapping (an unidentified soil boundary is shown on the plan, check if all designations are correct),
- e. Dimension setback lines,
- f. Show that all lots conform to the square rule (§137-21K),
- g. Provide sight distance triangles at driveway / road intersection (ref. NYSDOT Highway Design Manual §5.9.5). Dimension sight triangles. Indicate that actual sight distance equals or exceeds minimum sight distance. Include a note that the area of the triangles shall be kept free from visual obstructions.
- h. Estimate the area of disturbance and note on the plan.

Ernie Johnson: No problem. We have done all of this. It will be on its way to you.

Comment #4: Add Ms. Maureen Cozad's name to the owners of this parcel.

Ernie Johnson: Right.

Comment #5: On Sheet 3, test pits are shown to have been dug on January 10, 2008, and a specific percolation rate is used in the septic design. Percolation tests and deep test pits were not witnessed by the Town Engineer at this site. Schedule witnessing of percs & deeps and revise the information as necessary.

Ernie Johnson: Will do.

Comment #6: Provide a Profile of the proposed Lot #2 driveway and a typical cross-section of the driveway in accordance with §A168-19. Note that all driveways must conform with §A168-19.

Ernie Johnson: No Problem.

Comment #7: Place full text of ZBA Determination on the plans.

Ernie Johnson: Ok.

Mr. Astorino: I know with other applications that we had on Denton Lane we had continuation of some sort of permanent stabilization along Denton Lane. We had done it with the Jex application. I am not sure if this applies to this one or not.

Mr. Bollenbach: We have the new specifications for common driveways which require pavement.

Mr. Astorino: Do you remember what we had done with the Jex Subdivision as we moved up the road, took it from her frontage, and put it down below? I just want to give the applicant a heads up on this.

Ernie Johnson: I forget where actually the paving stops now.

Mr. Astorino: That would probably be where we would want to start again and move up. I would assume that would be where the Board would want to go. We took the frontage of the Jex property. Instead of paving it back, we just continued from the entrance and moved our way up. I assume that would be what we would want to do on this one. I just want to give you a heads up on it.

Ernie Johnson: Ok.

Mr. McConnell: Since this is a Private Road, do we need to make sure that there is in place for the subdivided lot that would be created to have a maintenance agreement on the Private Road?

Mr. Bollenbach: Yes. We would have the maintenance agreement. We polished that up with the Joan Jex Subdivision. There had been a Use and Maintenance agreement many moons ago. We are trying to keep it updated.

Mr. McConnell: I just want to be sure on whoever buys that property they would have notice.

Mr. Bollenbach: Yes.

Mr. Astorino: That should also be in the deeds.

Mr. McConnell: Yes.

Mr. Astorino: I agree on that.

Mr. Kowal: For something like this, does it require to have a turnaround at some point?

Mr. Astorino: They do. We made Jex put in a turnaround at the end.

Mr. Bollenbach: There are a couple. There was also supposed to be a road widening. I believe that would be at the crest of the hill or in the proximity of the crest.

Mr. Astorino: We could take a ride up there and take a look at that.

Mr. Bollenbach: We could take a look at the Jex application. It may be referenced on there as well.

Mr. Astorino: Ok. That would be something we could do. You will be back.

Ernie Johnson: Ok. Thank you.

Other Considerations:

1. **Meadowbrook Farms/Nop #2** – Letter from Dave Higgins, Lanc & Tully, dated 1/14/09 addressed to the Planning Board in regards to Meadowbrook Farms/Nop #2 - requesting a 6-Month Extension on Final Approval of a proposed 35-Lot cluster subdivision, SBL # 29-1-65.12 & 63. Final Approval was granted on, 8/6/08. *The applicant's consultants have been coordinating the legal documents for the offers of dedication and protective covenants with the Town attorney and finalizing plan notes with the Town Engineer. The applicant also request time to complete the remaining outstanding items which includes the provision of a performance bond.* The 6-Month Extension becomes effective on, 2/6/09.

Mr. Bollenbach: Let me just give you a little insight on this. The Legal documents have been recorded for the Offers of Dedication. All of the Declarations have been recorded. The information still has to be placed on the maps and map notes.

Mr. Astorino: They are getting close.

Mr. Bollenbach: There had been an extension done on the contract. The contract was supposed to expire at the first of the year. The application is being continued.

Mr. McConnell makes a motion on the Meadowbrook Farms / Nop #2 application, granting a 6-Month Extension on Final Approval of a proposed 35-Lot cluster subdivision, SBL # 29-1-65.12 & 63. Final Approval was granted on, 8/6/08. The 6-Month Extension becomes effective on, 2/6/09.

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

2. **Marrone-Hamburger Lot Line Change** – Letter from Kenneth Hamburger, dated 1/13/09 addressed to the Planning Board in regards to Marrone-Hamburger Lot Line Change - requesting a 6-Month Extension on Final Approval of a proposed Lot Line Change, SBL # 55-1-33.2 & 89. Final Approval was granted on, 8/6/08. *The applicants have been working on this project themselves and trying not to spend more money than they have to. They had difficulty with some of the requirements, and their surveyor has a serious illness and has delayed some actions.* The 6-Month Extension becomes effective on, 2/6/09.

Connie Sardo: Mr. Hamburger stopped into the Planning office on Monday. He is almost there finalizing his project. He is gathering all of the information together. He is getting pretty close to the end. He just needs a little more time. He has almost all of the conditions met. It then has to go to our Town's Professionals to review them.

Mr. Astorino: Ok.

Mr. McConnell makes a motion on the Marrone/Hamburger application, granting a 6-Month Extension on Final Approval of a proposed lot line change, SBL # 55-1-33.2 & 89. Final Approval was granted on, 8/6/08. The 6-Month Extension becomes effective on, 2/6/09.

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

3. Steve Sarbak Subdivision – Letter from Ken Pinkham from ERS Consultants, dated 1/29/09 addressed to the Planning Board requesting “**Re-Approval**” of Final Approval of a proposed 3-Lot subdivision, situated on tax parcel S 17 B 1 L 74.5; parcel located on the western side of Distillery Road and West Ridge Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. Final Approval was granted on 11/7/07. 6-Month Extension on Final Approval was granted on 7/16/08 became effective on 5/7/08. *The applicant is currently finalizing the conditions of final approval and has done so as of 1/30/09 and final maps are ready for the Planning Board Chairman’s signature.* Re-Approval of Final Approval becomes effective on 11/7/08, subject to the conditions of Final Approval granted on, 11/7/07.

Mr. McConnell makes a motion on the Steve Sarbak application, granting “**Re-Approval**” of Final Approval of a proposed 3-Lot subdivision, situated on tax parcel S 17 B 1 L 74.5; parcel located on the western side of Distillery Road and West Ridge Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of Final Approval granted on, 11/7/07. (See attached). Re-Approval of Final Approval becomes effective on, 11/7/08.

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

4. Planning Board Minutes of 1/21/09 – Planning Board Minutes of 1/21/09 for Planning Board Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 1/21/09.

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

5. Town Code §137 – Planning Board to discuss recommendation to the Town Board regarding Amended §137-7(B)(3)(b) and §137-25(G) “Subdivision of Land”.

Mr. Astorino: Do any Board members have anything on that?

Mr. Bollenbach: We reached a consensus at the Work Session. I just want to have on the record the Board’s consensus.

Mr. Astorino: Do we have a consensus from the Board?

Mr. McConnell: Yes.

Mr. Kowal: Yes.

Mr. Singer: Yes.

Mr. Bollenbach: We also received a response from Orange County Planning, dated 2/4/09. It is stated as follow: *We find the proposed local law to be consistent with the aims of the public health laws of the State of New York.*”

Correspondences:

1. Memo from Tectonic Engineering, dated 1/30/09 addressed to the Planning Board – in regards to the Fairgrounds Project Construction Inspection Services of the Trailer on Site.

Mr. Astorino: That memo is in our packets. Zen, is that correct?

Zen Wojcik: Yes. Ed has a challenge on that. It is one of those Highlights for Children challenge in finding the trailer in the photographs.

2. Letter from Judith Green, dated 2/1/09 addressed to the Planning Department received by email on, 2/2/09 – in regards to HOMARC, LLC., Draft Public Scoping Document.

Mr. Astorino: That finalizes any comment for that Scoping Document. Connie, is that correct?

Connie Sardo: Yes.

Mr. Astorino: Does the Board have anything further?

Mr. McConnell: Regarding the Fairgrounds project, I don't agree with the Memo from Ed Butler of Tectonic Engineering. I think the trailer is very visible as you come from the south. If you are sitting right in front of the property, no it is not visible. It is behind the berm there. For quite some time some distance coming from the south, I think it is visible.

Mr. Bollenbach: It was a white trailer. With the snow, it might not be as visible now.

Mr. Astorino: I was coming from the north. I didn't see it. I did see it. I made a point of seeing it.

Mr. McConnell: I come from the south every day.

Mr. Bollenbach: It was one of the conditions of the approval that some type of screening would be installed. It was for Lehman & Getz Engineering to design it. Perhaps, Tectonic could contact them to provide some screening if appropriate.

Mr. Astorino: Ok. We will talk to Tectonic.

Mr. McConnell: Go do that.

Mr. Astorino: We will do that.

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 February 4, 2009 Planning Board meeting.

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