TOWN OF WARWICK PLANNING BOARD
February 17, 2010

Members present: Chairman, Benjamin Astorino
Russell Kowal, Dennis McConnell
Roger Showalter, Carl Singer, Bo Kennedy
Laura Barca, HDR Engineering
John Bollenbach, Planning Board Attorney
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, February 17, 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.

Review of Submitted Maps:

Pine Island Bible Church & Eurich

Application for Sketch Plat Review of a proposed Lot Line Change, situated on tax parcels S 15 B 2 L 2.22 and S 15 B 2 L 4.1; parcels located on the southerly side of Little Brooklyn Road 400± feet easterly of C.R. #1, in the SM zone, of the Town of Warwick.

Representing the applicant: John McGloin, PLS.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
    a. Lot line change with no new construction proposed.
3. Application needs to be referred to Orange County Planning Department.
4. The Application form states that ZBA granted a variance or special permit concerning this property and the Sketch Plan checklist states that this item is Not Applicable. If a variance was granted on Filed Map No. 566-04, a copy of the complete verbiage of the ZBA variance and a copy of the filed map should be submitted. The verbiage of the variance does not appear to be shown on the previously approved Parking Lot Expansion Site Plan for the Church.
5. The Short EAF states that the reader should refer to the vicinity map for the project location. Instead, the Applicant should provide a written description of the location of this project.
6. Project includes a 25-ft wide dedication along Little Brooklyn Road to the Town for highway purposes.
7. Is there any associated piping for the existing catch basin that is shown along Little Brooklyn Road?
8. The Church previously received site plan approval for a Parking Lot Expansion Plan prepared by Kirk Rother, PE. This plan incorporated parking, landscaping, lighting, and drainage features throughout the entire tax lot that is now being proposed for a lot line

change (15-2-4.1). If the church would like to conduct parking lot improvements on the existing gravel parking area, these improvements need to be shown.

9. The drawing states that the two lots involved in this action are not included in the Traditional Neighborhood Overlay District; however the Traditional Overlay District Map appears to indicate that both properties are included within the bounds of this District.
10. The Applicant does not show the following on the drawing:
    a. General site conditions (e.g., rock outcrops, isolated trees over 12-in., any trees over 24-in., existing structures, stone walls, and tree lines on the property and within 100-ft of the property.
    b. Topographic contours.
    c. Soils Mapping.
    d. Delineation of areas with greater than 15% slope or more.
    e. Building setback lines.
    f. Indication of buildable area.
    g. Estimate area of disturbance.
11. Application package states that deeds were submitted but HDR did not receive.
    a. Agricultural Note No. 9 provides information about where the Agricultural Notes have been recorded at the County Clerk's office; was this information submitted?
12. Payment of all fees.

The following comment submitted by the Conservation Board, dated 2/17/10:

Pine Island Bible Church & Eurich – CB has no comments.

The following comment submitted by the ARB:

Pine Island Bible Church & Eurich – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Astorino: Dennis, since Ted is not here tonight, are you going to speak on behalf of Ted?

Mr. McConnell: Yes. This is a Type 2 Action. There is no new construction proposed. It is Ted's opinion that no SEQR review would be necessary.

Mr. Astorino: We have a Resolution in our packets tonight for the Type 2 Action for the Planning Board's consideration.

Mr. Showalter makes a motion for the Type 2 Action.

Seconded by Mr. Singer. The following Resolution was carried 5-Ayes.

617.6
State Environmental Quality Review (SEQR)
Resolution
Type 2 Action

Name of Action: Pine Island Bible Church Re-Subdivision

Whereas, the Town of Warwick Planning Board is in receipt of a Subdivision application by Pine Island Bible Church and Eurich for a ± 2.246 acre parcel of land located at Little Brooklyn Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 1/15/10 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 a Type 2 Action that meets the thresholds found in 6 NYCRR 617.5(c)(15) and, therefore, SEQR does not apply, and

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

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

Now Therefore Be It Resolved, that the Planning Board hereby declares that no further review under SEQR is required.

Comment #2: Applicant to discuss project.

a. Lot line change with no new construction proposed.

John McGloin: Mr. Eurich is attempting to purchase a small parcel from the Pine Island Bible Church to increase the side yard and to eliminate the driveway encroachment and at the same time, he wants to help the church by purchasing the property. Those monies could be used for different projects at the church.

Comment #3: Application needs to be referred to Orange County Planning Department.

John McGloin: That has been done.

Connie Sardo: Yes. That has been done.

Comment #4: The Application form states that ZBA granted a variance or special permit concerning this property and the Sketch Plan checklist states that this item is Not Applicable. If a variance was granted on Filed Map No. 566-04, a copy of the complete verbiage of the ZBA variance and a copy of the filed map should be submitted. The verbiage of the variance does not appear to be shown on the previously approved Parking Lot Expansion Site Plan for the Church.

John McGloin: The only variance that I know of is the variance that was given on Lot #2 when it was previously subdivided. It was a 280a variance for access. It is on the previously approved filed map.

Mr. Bollenbach: Let us keep comment #4 on here. We will verify that.

John McGloin: No problem.

Comment #5: The Short EAF states that the reader should refer to the vicinity map for the project location. Instead, the Applicant should provide a written description of the location of this project.

John McGloin: I could do that if that is how we will be doing it for now on. It has always been done as the attached vicinity map showing a much more accurate location than a verbal could be written. The verbal description is also written in the application several times.

Mr. Astorino: Laura, what do you want?

Laura Barca: If that is how you have done it in the past, then that would be fine with me. When you refer it on the vicinity map, just give a little more information about where the vicinity map is located.

John McGloin: No problem.

Mr. Astorino: Is the Board ok with that?

Mr. McConnell: Yes.

Mr. Kowal: Yes.

Mr. Showalter: Yes.

Comment #6: Project includes a 25-ft wide dedication along Little Brooklyn Road to the Town for highway purposes.

John McGloin: Yes. We will provide a description upon final approval.

Comment #7: Is there any associated piping for the existing catch basin that is shown along Little Brooklyn Road?

John McGloin: I don't know. If there is, it can be shown.

Laura Barca: Ok.

John McGloin: We are not proposing any construction. It is where it is. We are not proposing to disturb anything or do anything with this application.

Mr. Bollenbach: Ben, do you want it located?

Mr. Astorino: No.

Mr. Bollenbach: Ok. We can strike comment #7.

Comment #8: The Church previously received site plan approval for a Parking Lot Expansion Plan prepared by Kirk Rother, PE. This plan incorporated parking, landscaping, lighting, and drainage features throughout the entire tax lot that is now being proposed for a lot line change (15-2-4.1). If the church would like to conduct parking lot improvements on the existing gravel parking area, these improvements need to be shown.

John McGloin: Ok. As of right now, the church has no intention of doing anything. They don't have the funds to start with. An expansion up in that area that we are discussing with the lot line change, cost would be out of control. The church could never do it. If they propose to do anything that is beyond the scope of the Building Department, they would have to resubmit to the Planning Board. At this point, there is nothing proposed until they could figure out what they want to do.

Mr. McConnell: Is there nothing proposed or contemplated?

John McGloin: As far as I know, they thought about doing something whether that involves strictly paving the area that is already there. I am not sure.

Mr. McConnell: John, could we just get a representation to that effect from the applicant that there is nothing contemplated at this point?

Mr. Bollenbach: Sure. They could provide verification.

John McGloin: Ok. You want something stating that they would not be doing something tomorrow.

Mr. McConnell: Yes.

Mr. Astorino: Yes.

Laura Barca: Also, that they understand that by doing this lot line change that previously approved site plan may be null and void.

John McGloin: Right. That is no problem. I will get some kind of verification from the church that they realize the circumstances. If they propose to do anything with this area, they would have to submit to the Building Department. If it is beyond their scope, it would have to come back to the Planning Board.

Mr. Astorino: That is a good idea.

Mr. McConnell: I am just concerned that they would not realize it and they start doing something that could start trouble.

Mr. Astorino: Right.

Laura Barca: Right.

John McGloin: No problem. We could provide that document.

Comment #9: The drawing states that the two lots involved in this action are not included in the Traditional Neighborhood Overlay District; however the Traditional Overlay District Map appears to indicate that both properties are included within the bounds of this District.

John McGloin: I checked that out today. It was my mistake. I will change it. We will put that as yes on the Overlay box.

Comment #10: The Applicant does not show the following on the drawing:

a) General site conditions (e.g., rock outcrops, isolated trees over 12-in., any trees over 24-in., existing structures, stone walls, and tree lines on the property and within 100-ft of the property.
b) Topographic contours.
c) Soils Mapping.
d) Delineation of areas with greater than 15% slope or more.
e) Building setback lines.
f) Indication of buildable area.
g) Estimate area of disturbance.

Mr. Astorino: I am not sure how many of these would apply to this application because they won't be doing anything.

Laura Barca: Comment #10 doesn't apply any more.

Mr. Astorino: We could strike comment #10.

Comment #11: Application package states that deeds were submitted but HDR did not receive.

a. Agricultural Note No. 9 provides information about where the Agricultural Notes have been recorded at the County Clerk's office; was this information submitted?

John McGloin: The first part of comment #11 is that the Planning Department already has the deed. It is in the file.

Laura Barca: Ok.

John McGloin: That is not one of the requirements when you go through the checklist to provide the engineer with a copy of the deed. We provide one set of deeds. If more are required, we could do that in the future. But, that was not the way that we have done that.

Laura Barca: Ok. That will be fine.

John McGloin: Regarding the second part of comment #11, the Agricultural Notes were reviewed prior to them being recorded on a previously mentioned filed map.

Laura Barca: ok.

John McGloin: When lot #2 was subdivided from lot #1 which is shown to the south, those Agricultural Notes were reviewed the by Planning Board's Counsel prior to them being filed.

Laura Barca: Ok.

John McGloin: They were reviewed and duly checked. That was taken care of.

Mr. Astorino: Laura, are you ok with that?

Laura Barca: Yes.

Comment #12: Payment of all fees.

John McGloin: No problem.

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

John McGloin: I would like to request that the Board waive the final public hearing on this application since it is just a lot line change.

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

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

Mr. Showalter makes a motion on the Pine Island Bible Church and Eurich application, granting Final Approval for a proposed Lot Line Change, situated on tax parcels S 15 B 2 L 2.22 and S 15 B 2 L 4.1; parcels located on the southerly side of Little Brooklyn Road 400± feet easterly of C.R. #1, in the SM zone, of the Town of Warwick, County of Orange, State of New York. A Type 2 Action was adopted on February 17, 2010. Approval is granted subject to the following conditions:

1. The Application form states that ZBA granted a variance or special permit concerning this property and the Sketch Plan checklist states that this item is Not Applicable. If a variance was granted on Filed Map No. 566-04, a copy of the complete verbiage of the ZBA variance and a copy of the filed map should be submitted. The verbiage of the variance does not appear to be shown on the previously approved Parking Lot Expansion Site Plan for the Church. Planning Board Engineer to verify.
2. Project includes a 25-ft wide dedication along Little Brooklyn Road to the Town for highway purposes.
3. The Church previously received site plan approval for a Parking Lot Expansion Plan prepared by Kirk Rother, PE. This plan incorporated parking, landscaping, lighting, and drainage features throughout the entire tax lot that is now being proposed for a lot line change (15-2-4.1). Applicant to provide verification that any future parking area improvements require Building Department review.
4. The drawing states that the two lots involved in this action are not included in the Traditional Neighborhood Overlay District; however the Traditional Overlay District Map appears to indicate that both properties are included within the bounds of this District.
5. Application package states that deeds were submitted but HDR did not receive.

a. Agricultural Note No. 9 provides information about where the Agricultural Notes have been recorded at the County Clerk's office; was this information submitted?

6. Payment Of All Fees.
7. Provide Certification of Iron Pins to Planning Board Engineer's specifications.

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

John McGloin: Thank you.

John G. Pennings Subdivision

Application for Sketch Plat Review of a proposed 3-Lot **(MINOR)** subdivision, situated on tax parcel S 63 B 1 L 1.22; parcel located on the corner of Pennings Lane and Hoyt Road, in the DS/RU zones, of the Town of Warwick.

Representing the applicant: John McGloin, PLS.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
    a. Three-lot subdivision with no new construction proposed.
3. Referral to Orange County Planning Department.
4. The Short EAF states that the reader should refer to the vicinity map for the project location. Instead, the Applicant should provide a written description of the location of this project.
5. Map Note No. 7 states that the tax lot proposed for subdivision is located within the Agricultural Projection Overlay (AP-O), but it is not.
6. The Sketch Plan Application Checklist states that any existing restrictions on the use of the land is not applicable; however the deed submitted for the property (liber 2193, page 1024) states that the deed is "…Subject to the rights of Orange and Rockland Electric Company for an electric line across said premises and the rights of the Warwick Valley Telephone Company for their line along the highway through said premises." The existence of these easements should be clarified by the Applicant.
7. The Applicant states on the plan that Lots 1 and 3 are within the RU Zoning District with Use Group 'p'; however it appears that these would be classified under Use Group 'b' – and the bulk requirements for Use Group 'b' are shown on the plan. The Applicant should clarify.
8. There are two bulk requirements for the DS District that are not shown on the drawing:
    a. Floor Area Ratio
    b. Yards adjacent to Special Areas
9. The wells and septic systems for Proposed Lot 1 are not completely shown; there are at least seven structures (the purpose of each structure is not called out on the drawing) and it is not clear which structures require water and septic; it is not clear how these services are supplies to these seven structures.
10. Will an Aquifer Impact Assessment be required; likely not, but Applicant should confirm with the Building Department.
11. A site inspection will need to be conducted to confirm the AP-O District Requirements.
12. This project will need to be presented to the Town Board for inclusion into the AP-O District and then acceptance into the AP-O District.
13. The deed declaration information for the Ridgeline Overlay District will need to be shown on the plan.
14. The deed declaration information for the Aquifer Protection Overlay District will need to be shown on the plan.
15. The deed declaration information for the Agricultural Notes will need to be shown on the plan.
16. Payment of all fees.

The following comment submitted by the Conservation Board, dated 2/17/10:

John G. Pennings Subdivision - CB supports this three-lot subdivision with no new construction subject to the comments of HDR dated February 8, 2010. Will lot 1 remain undeveloped or has the applicant reserved the right for further subdivision? If further development is possible, then a full build out should be analyzed to determine potential environmental and physical impact.

The following comment submitted by the ARB:

John G. Pennings Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Astorino: Dennis, since Ted is not here tonight, are you going to speak on behalf of Ted tonight?

Mr. McConnell: Yes. Ted has stated that this application is an Unlisted Action. It is a simple subdivision. There are no other involved agencies. The Planning Board could go ahead and declare Lead Agency.

Mr. Kowal makes a motion for Lead Agency.

Seconded by Mr. McConnell. The following Resolution was carried 5-Ayes.

617.6

State Environmental Quality Review (SEQR)

Resolution Establishing Lead Agency

Unlisted Action Undergoing Uncoordinated Review

Name of Action: Pennings Three Lot Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by John G. Pennings for a ± 51.885 acre parcel of land located at New York State Route 94, Pennings Lane and Hoyt Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 1/28/10 was submitted at the time of application, and

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

Whereas, the Planning Board has determined that the proposed project is within an agricultural district and, therefore, the requirements of 6 NYCRR

617.6(a)(6) apply meaning that an Agricultural Data Statement must be filed, forwarded to the owners of farm operations within 500 feet of the site and then considered by the Planning Board, and

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

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

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

Comment #2: Applicant to discuss project.

a. Three-lot subdivision with no new construction proposed.

John McGloin: The applicant proposes to cut out the existing dwellings that are located on the property. He will be leaving the remaining lands. He currently has committed funding from the Federal government for the Town to purchase development rights on the remaining part of the property except what is in the commercial zone. That is why we are here. We are here to get the houses away from the rest of it so we could proceed with the PDR.

Comment #3: Referral to Orange County Planning Department.

Connie Sardo: That has been done.

Comment #4: The Short EAF states that the reader should refer to the vicinity map for the project location. Instead, the Applicant should provide a written description of the location of this project.

John McGloin: I have that.

Comment #5: Map Note No. 7 states that the tax lot proposed for subdivision is located within the Agricultural Projection Overlay (AP-O), but it is not.

Mr. Astorino: You will have to opt into that.

John McGloin: Yes. We will have to opt into it. The adjoining parcel, Penning's parcel is opted into it. But, this one is not.

Mr. Bollenbach: This one is not even in the AP-O qualifying area. The Town Board will have to map it as being included in the area so that it could become eligible.

Mr. Astorino: Would they need a recommendation from the Planning Board?

Mr. Bollenbach: That would be good.

Mr. Astorino: In light of what you had said of this property going in without 36 or 38 homes proposed, I think it would be a positive recommendation of this project, it would be warranted from this Board. Does the Board agree with this?

Mr. McConnell: Yes.

Mr. Kowal: Yes.

Mr. Showalter: Yes.

John McGloin: It is an agricultural use. It would continue as an agricultural use.

Mr. Astorino: It wouldn't make sense not to do that. John, could you do a letter to the Town Board?

Mr. Bollenbach: Yes.

Comment #6: The Sketch Plan Application Checklist states that any existing restrictions on the use of the land is not applicable; however the deed submitted for the property (liber 2193, page 1024) states that the deed is "…Subject to the rights of Orange and Rockland Electric Company for an electric line across said premises and the rights of the Warwick Valley Telephone Company for their line along the highway through said premises." The existence of these easements should be clarified by the Applicant.

John McGloin: I would have to review them. I would assume that they are standard cut and clear. They are attached to almost every deed in this County. I will have to read them. I couldn't tell you.

Comment #7: The Applicant states on the plan that Lots 1 and 3 are within the RU Zoning District with Use Group 'p'; however it appears that these would be classified under Use Group 'b' – and the bulk requirements for Use Group 'b' are shown on the plan. The Applicant should clarify.

John McGloin: I will correct it to say Use Group 'b' on the drawing.

Comment #8: There are two bulk requirements for the DS District that are not shown on the drawing:

a) Floor Area Ratio
b) Yards adjacent to Special Areas

John McGloin: I will put them on there. They are really not relevant, but I will put them on there.

Comment #9: The wells and septic systems for Proposed Lot 1 are not completely shown; there are at least seven structures (the purpose of each structure is not called out on the drawing) and it is not clear which structures require water and septic; it is not clear how these services are supplies to these seven structures.

John McGloin: I will attempt it. There are only two that I know of that are serviced by water and septic. I will attempt to figure out which one is which and where they are going. I would have to put a blow up somewhere. That would be the only way I could do it. It would never fit at this scale.

Laura Barca: Ok.

John McGloin: I certainly don't want to add a second sheet for this type of submission. It wouldn't make any sense to do that.

Mr. Showalter: Does it make a difference?

John McGloin: It is in an area that is not being developed completely. It has been reviewed. It has been under scrutiny by the Building Department recently because they had to put 911 addresses on all the structures.

Mr. Bollenbach: That is not the portion that is being subdivided out. If you think it would be necessary, it would be up to the Board.

Mr. Astorino: How does the Board feel? Do you want to see it?

Mr. Showalter: I don't think it matters.

John McGloin: It would be remaining as is.

Mr. McConnell: Wouldn't you like some representation that there are no septics?

John McGloin: There are septics.

Mr. McConnell: Are they for those structures?

John McGloin: There is a septic for the trailer that is there. There is another septic that services the migrant labor camp that is there.

Mr. McConnell: I guess I am confused as to what this comment is about.

Laura Barca: Down on the portion of the property that runs along Route 94 there are various buildings and structures that are shown. There is no designation of any wells or any septics.

Mr. McConnell: Is that area part of this application?

Laura Barca: Yes. This is part of the property.

Mr. McConnell: Why wouldn't we want to see where those things were?

Mr. Astorino: Ok. If the Board wants to see it, then it should be shown.

Mr. McConnell: At least make an attempt to show it.

John McGloin: I will make an attempt. It is possible, if I remember correctly that the water supply may be from an offsite springhouse. If that is the case, I will try to find out.

Mr. McConnell: Just indicate that.

John McGloin: I will ask Jack what is going on.

Mr. Astorino: Ok. If you can, just indicate that.

John McGloin: Ok.

Comment #10: Will an Aquifer Impact Assessment be required; likely not, but Applicant should confirm with the Building Department.

Mr. Astorino: I would doubt it. That wouldn't come from us. Would that come from us?

Mr. Bollenbach: That would be something that Ted could address.

Mr. Astorino: I think we could strike that.

Comment #11: A site inspection will need to be conducted to confirm the AP-O District Requirements.

Mr. Astorino: That would be the Town Board if we give them a recommendation.

Mr. Bollenbach: That would be the recommendation. We would wait to provide them a recommendation that they be included in the AP-O qualifying area. Perhaps, Ted or Laura could go out to the site to see.

Mr. Astorino: We have done that before.

Laura Barca: We had done that before with the Edwards property.

Mr. Astorino: Ok.

Mr. Bollenbach: We had done the same thing with Edwards. We could then just simply attach that recommendation with a letter to the Town Board.

Mr. Astorino: Ok.

Comment #12: This project will need to be presented to the Town Board for inclusion into the AP-O District and then acceptance into the AP-O District.

Mr. Astorino: John, you understand that. You would have a favorable recommendation from this Board.

John McGloin: Yes.

Comment #13: The deed declaration information for the Ridgeline Overlay District will need to be shown on the plan.

John McGloin: Ok. You are talking about the filing information.

Laura Barca: Yes.

John McGloin: Ok. I understand. I also understand the rest of the notes.

Comment #14: The deed declaration information for the Aquifer Protection Overlay District will need to be shown on the plan.

John McGloin: Yes.

Comment #15: The deed declaration information for the Agricultural Notes will need to be shown on the plan.

John McGloin: Yes.

Comment #16: Payment of all fees.

John McGloin: Yes.

Mr. Bollenbach: Just a technical point, from comments 13 through 15 just strike the word "deed" from them. This is just for the declaration information.

Mr. Astorino: Ok.

John McGloin: I would like to request that once we get our approvals from the Town Board that this be set for a public hearing upon that completion rather than coming back for no purpose or reason to come back for an extra meeting.

Mr. Astorino: I have no problem with setting this application for a public hearing.

Mr. Showalter makes a motion to set the John G. Pennings application for a Final Public Hearing at the next available agenda.

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

Mr. Kennedy: We have a comment from the Conservation Board, dated 2/17/10 for the record.

John McGloin: Thank you.

Other Considerations:

1. **Planning Board Minutes of 1/20/10 & 2/3/10 –** Planning Board Minutes of 1/20/10 & 2/3/10 for Planning Board Approval.

   Mr. McConnell makes a motion to approve the Planning Board Minutes of 1/20/10 & 2/3/10.

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

2. **Marco Giovannoli Subdivision –** Letter from Gail Feragola from Lehman & Getz, dated 2/11/10 addressed to the Planning Board in regards to the Marco Giovannoli Subdivision – requesting a 6-Month Extension on "Re-Approval" of Final Approval of a proposed 3-Lot subdivision, situated on tax parcel S 12 B 3 L 33; parcel located on the northern side of Little Brooklyn Road 830± feet east of C.R. 1, in the AI zone, of the Town of Warwick. Final Approval was granted on 8/28/08. "Re-Approval" of Final Approval was granted on, 8/19/09, became effective on, 8/20/09. *The applicant's engineer has stated that the conditions of final approval are almost complete, but due to financial hardship more time is needed to finalize.* The 6-Month Extension on "Re-Approval" of Final Approval becomes effective on, 2/20/10.

   Mr. McConnell makes a motion on the Marco Giovannoli Subdivision, granting a 6-Month Extension on "Re-Approval" of Final Approval of a proposed 3-Lot subdivision. SBL # 12-3-33. Final Approval was granted on, 8/20/08. "Re-Approval" of Final Approval was granted on, 8/19/08 became effective on, 8/20/09. The 6-Month Extension on "Re-Approval" of Final Approval becomes effective on, 2/20/10.

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

3. **Warwick Views, LLC.** – Planning Board to discuss the extension of the public written comment period to March 17, 2010.

   Mr. Astorino: I will give you a quick heads up on that. I spoke to the Town Supervisor yesterday. They are still working on getting us comments for the community septic system. After that, I spoke to Ted Fink about it. He recommended that we extend the public written comment period. The Town Board will be meeting with the Warwick Views principals on March 11, 2010. From that time, we should receive their comments. Then, we could go from there. I believe we have a Resolution in our packets to that effect on the extension of the public written comment period to March 17, 2010.

   Mr. McConnell makes a motion on the Warwick Views, LLC., for the extension of the public written comment period to March 17, 2010.

   Seconded by Mr. Singer. The following Resolution was carried 5-Ayes.

617.9(a)(4)
State Environmental Quality Review (SEQR)

Resolution Extending Public Comment Period on Draft EIS

Warwick Views Subdivision

Whereas, the Town of Warwick Planning Board is in receipt of Subdivision and Special Use Permit applications by Warwick Views LLC to develop a ± 249.9 acre parcel of land as a 53 lot residential cluster subdivision, and

Whereas, the overall development parcel is located north of Bloom Corners Road, southwest of Pine Island Turnpike and the Hamlet of Edenville in the Town of Warwick, Orange County, New York, identified on the Orange County Tax Maps as Section 27, Block 1, Lots 41.131, 47 and 48.1 and is currently zoned in the Rural Zoning District (RU), and

Whereas, the Planning Board, after duly circulating the project's application and Environmental Assessment Form (EAF) to all Involved Agencies, was designated the SEQR Lead Agency for the review of the proposed development on July 7, 2006, and

Whereas, having reviewed the potential environmental effects of the proposed project, as identified in the EAF, the Planning Board issued a Positive Declaration for the project on August 2, 2006, requiring the applicant to prepare a Draft Environmental Impact Statement (EIS), and

Whereas, the Planning Board conducted a public Scoping Session on October 4, 2006 to identify each relevant issue to be studied in the Draft EIS and adopted a Final Scoping Document on December 6, 2006, and

Whereas, a Draft EIS was deemed to be in general accordance to the Final Scoping Document and was accepted as complete by the Planning Board on November 18, 2009, and

Whereas, the Planning Board conducted a public hearing on the Draft EIS on January 20, 2010 and provided for a period of written comment on the Draft EIS extending to February 17, 2010, and

Whereas, the Planning Board is in receipt of requests from adjoining properties to be included in a potential water and sewer district that may be created in the future, and

Whereas, the Planning Board, having received a request from an Involved Agency, the Town Board of the Town of Warwick, to extend the public comment period to include an opportunity for the Town Board to further consider the preferred alternative to the action, which involves Town Board creation of community water supply and community sewer districts and the potential extension of such community water supply and community sewage districts to include other properties in the vicinity of the Warwick Views Subdivision site, and

Whereas, the Town Board will not have an opportunity to meet to discuss such alternative until March 11, 2010, and

Whereas, the public hearing and public comment periods specified in the SEQR regulations for a Draft EIS are directory and are not mandatory, and

Whereas, in the interests of including potentially significant comments that may relate to the preferred alternative, that will require Town Board action, the Planning Board wishes to comply with this reasonable request.

Now Therefore Be It Resolved, that the Planning Board hereby extends the public comment period on the Draft EIS to March 17, 2010, and

Be It Further Resolved, that the Planning Board hereby directs its Chairman to provide for sufficient notification of such comment period extension to all Involved Agencies and all interested parties.

Correspondences:

1. Letter from Jeffrey Fisher, MD., dated 1/29/10 addressed to the Planning Board – in regards to the Warwick Views Subdivision.
2. Letter from Kathryn Johnston Lomax, dated 2/10/10 addressed to the Planning Board – in regards to the Warwick Views Subdivision.
3. Letter from Elizabeth Fisher, dated 2/12/10 addressed to the Planning Board – in regards to the Warwick Views Subdivision.
4. Letter from Susan Meyer, dated 2/15/10 addressed to the Planning Board – in regards to the Warwick Views Subdivision.
5. Letter from Carole Liantonio, dated 2/16/10 addressed to the Planning Board – in regards to the Warwick Views Subdivision.
6. Letter from Pat Adee, dated 2/16/10 addressed to the Planning Board – in regards to the Warwick Views Subdivision.

Mr. Astorino: We have those correspondences 1 through 6 in our packets. They also have been emailed to us. We all have that information.

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. Before we adjourn the meeting this evening, I just want to let the Board know that there is a snowstorm predicted for Monday. By 4:00 p.m., we will notify everyone if we will be cancelling the 2/22/10 Work Session or not. Ted, is the furthest one away from us. I don't want everyone driving out in a snowstorm. We will play it by ear and see how it goes.

Mr. Singer: Then, the meeting wouldn't be until 2 weeks from now.

Mr. Astorino: Yes. There really is not that much. We would push them off to the next if that is the case.

Mr. Bollenbach: How much do we have on the agenda now?

Mr. Astorino: There is not much at all.

Connie Sardo: John McGloin has two applications.

Mr. Astorino: Let us wait until Monday to see what the weather does.

Mr. McConnell makes a motion to adjourn the February 17, 2010 Planning Board meeting.

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