

TOWN OF WARWICK PLANNING BOARD

February 20, 2008

Members present: Chairman, Benjamin Astorino
Russell Kowal, Dennis McConnell
Roger Showalter, Carl Singer
Zen Wojcik, Tectonic Engineering
John Bollenbach, Planning Board Attorney

The regular meeting of the Town of Warwick Planning Board was held Wednesday, February 20, 2008, 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 Estate of Baum c/o Kary Jablonka, Executor/Dayspring Community School, Inc., c/o Lee A. Squires-Sussman

Application for preliminary approval of a proposed 11-Lot cluster subdivision (9-New Residential Lots), entitled "*Lands of Dayspring-Baum*", situated on tax parcels S 31 B 2 L 2 and L 8; parcels located on the southerly side of West Ridge Road 1000+ feet west of Route 94 and 17A in the MT zone, of the Town of Warwick, County of Orange, State of New York. Continued Public Hearing from the December 19, 2007 Planning Board meeting.

Representing the applicant: Kirk Rother, Engineer.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
 - A. Applicant has submitted a line-of-sight analysis. Screening along the sight line from West Ridge Road relies on vegetation that will be cleared to build the development. Applicant and Board to discuss.
 - B. Submit the Visual EAF.
2. Applicant to discuss project.

YIELD PLAN (6/25/03, LAST REVISED 11/17/07)

3. No further comment. Board achieved consensus December 19, 2007.

CLUSTER PLAN (11/9/04, LAST REVISED 1/29/08)

4. Applicant's Typical Roadway Section (sheet 9) shows a double course of tar & chip pavement design, inconsistent with §A168, Appendix E. Applicant & Board to discuss.
 - A. Show a "Limit of Excavation" on the Typical Section, extending 8 inches beyond the limits of material construction shown on the Section. Include the following note: "Excavation beyond the limits shown herein shall only be for removal of unsuitable material as approved by the Town Engineer or Building Department."
 - B. Applicant notes that onsite material may be used as subbase for driveways, but will require testing to prove Code compliance as road subbase. Show the locations of stockpiles for driveway materials, with suitable erosion control and slope stabilization measures. Place the following note at the Roadway and Driveway Sections: "Material excavated and stockpiled onsite may be used for driveway construction. Use of this material for construction of the private road must be approved by the Town Engineer and Building Department."

5. Board to discuss waiver for overlength cul-de-sac (§137-19K maximum length is 6x250'=1500' < 1645' proposed). [Applicant to show that compliance with the Code is a greater environmental impact.]
6. Board to discuss special approval of 14% roadway grade (Appendix E, ¶B(4)).
7. The applicant had submitted a Geotechnical Soil Evaluation Report. A supplemental report, responding to the Town Engineer's comments, was not submitted for review.
 - A. The Report notes that depth to rock is generally shallow, and that the top few inches of the rock may be rippable by an excavator. Applicant to supplement the Report with an additional discussion proposing the method of cut excavation, including an estimate of the amount of material to be so removed and the duration of the removal process.
 - B. Removal of rock for the construction of ponds 2A and/or 2B may be different than excavation for the road. Applicant anticipates blasting. Submit a Blasting Plan for the Town Engineer's review, comment and approval.
8. Place the maximum limit of excavation note on the Subdivision Plans and reference the note at the "limit of rock cut slope" call-out. Remove "approx." from the call-out. Similarly, on the Erosion Control Plan, reference the note in the Legend under "disturbance limit line". The symbol shown for this line in the Legend is not identical to the symbol shown on the plan. Revise.
9. Lot #2 septic absorption field is situated within the 100-foot agricultural buffer. Construction of the field will require clearing of trees and understory growth, and this clearing must be maintained for the proper operation of the absorption field. Board to discuss a waiver.
10. Provide a guide rail on West Ridge Road alongside Pond 2A to the DPW Director's specifications.
11. Place Driveway Notes 1-4 (ref. Standard Map Notes) on the plans. Driveways for Lots #2, #4, #5, #6, and #9 must be paved in their entirety and so listed in Note 4. Other lots shall be listed in Note 3.

SWPPP COMMENTS (SWPPP DATED FEB 2007; LAST REVISED NOV. 2007):

12. Prepare a Landscaping Plan for the stormwater ponds and buffer areas consistent with the design manual.
13. Applicant to provide signed and sealed copy of the final revised SWPPP.

BEFORE FINAL APPROVAL:

14. Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes, Agricultural Protection Notes, and Private Road and Drainage Use and Maintenance Agreement Notes.
15. Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners and stone cairns at corners of open space.
16. Provide 9-1-1 addressing.
17. Pay parkland fees.
18. Pay performance bond and construction inspection fee for road, stormwater management facilities, and erosion control.
19. Pay outstanding review fees.

WAIVERS & EXEMPTIONS

<i>CODE</i>	<i>ACTIVITY</i>
§137-19K	Waiver for overlength cul-de-sac. Maximum length is 1,500 feet.
§A168 Appendix E ¶B (4)	Waiver for private road grade exceeding 14%.
§164-41.1G(4)	Waiver to maintain a cleared area for the Lot #2 septic absorption field within the 100-foot agricultural buffer.

The following comment submitted by the Conservation Board:

Dayspring-Baum – None Submitted.

The following comment submitted by the ARB, dated 2/20/08:

Dayspring-Baum - Orientation of homes seems a bit cookie-cutter on lots 8,3,4,5,7, and 9. Subtle orientation differences could give this a more “rural” feeling.

Comment #1: Board to discuss SEQR.

- A. Applicant has submitted a line-of-sight analysis. Screening along the sight line from West Ridge Road relies on vegetation that will be cleared to build the development. Applicant and Board to discuss.
- B. Submit the Visual EAF.

Mr. McConnell: The following SEQR comment has been prepared by Mr. Ted Fink, dated 2/20/08: “The SEQR issues associated with this cluster subdivision application include the potential for impacts on stormwater management, aesthetics (Ridgeline Overlay District), blasting and on-site soils, soil erosion and sediment control, water supply, agricultural protection, and steep slopes. While the applicant has provided information to indicate potential impacts and mitigation measures associated with these issues, we are still awaiting reports from the applicant on soils and aesthetics. Once these reports are provided, then action under SEQR can be considered”.

Comment #2: Applicant to discuss project.

Kirk Rother: The project is for a proposed 11-lot cluster subdivision of (2) parcels of land known as Dayspring-Baum. The project is proposed to have 50% of open space. We had a public hearing back in December. At that time, the public had brought up some comments that were associated with the project. The most substantial comment were some concerns that was brought up by an adjoining landowner, Mr. and Mrs. Pieper. They are located to the north west of the parcel. Since the last appearance before the Board, we have revised the lots in that vicinity of the Pieper’s property, which are lots 7, 8, and 9. We moved one lot to the other side of our proposed private road to try to minimize the impacts to the Pieper’s property. We have also made minor revisions to the grading of the site in regards to the stormwater management plan to minimize the amount of cuts and fills.

YIELD PLAN (6/25/03, LAST REVISED 11/17/07)

Comment #3: No further comment. Board achieved consensus December 19, 2007.

CLUSTER PLAN (11/9/04, LAST REVISED 1/29/08)

Comment #4: Applicant’s Typical Roadway Section (sheet 9) shows a double course of tar & chip pavement design, inconsistent with §A168, Appendix E. Applicant & Board to discuss.

Kirk Rother: We will correct that as per Zen.

- A. Show a “Limit of Excavation” on the Typical Section, extending 8 inches beyond the limits of material construction shown on the Section. Include the following note: “Excavation beyond the limits shown herein shall only be for removal of unsuitable material as approved by the Town Engineer or Building Department.”

Kirk Rother: Ok.

- B. Applicant notes that onsite material may be used as subbase for driveways, but will require testing to prove Code compliance as road subbase. Show the locations of stockpiles for driveway materials, with suitable erosion control and slope stabilization measures. Place the following note at the Roadway and Driveway Sections: "Material excavated and stockpiled onsite may be used for driveway construction. Use of this material for construction of the private road must be approved by the Town Engineer and Building Department."

Kirk Rother: Ok.

Comment #5: Board to discuss waiver for overlength cul-de-sac (§137-19K maximum length is $6 \times 250' = 1500' < 1645'$ proposed). [Applicant to show that compliance with the Code is a greater environmental impact.]

Kirk Rother: In making the changes, I had described earlier that we eliminated a lot in this vicinity. We also reconfigured lot 2 and that driveway. At this point, we have shortened the cul-de-sac up. We will stay at the 1500 feet mark.

Mr. Astorino: You will not need a waiver.

Comment #6: Board to discuss special approval of 14% roadway grade (Appendix E, ¶B(4)).

Mr. Astorino: Is that coming off as we climb of Sleepy Valley?

Kirk Rother: That is the private road off West Ridge Road. That is just to minimize the amount of earthwork.

Mr. Astorino: All right.

Comment #7: The applicant had submitted a Geotechnical Soil Evaluation Report. A supplemental report, responding to the Town Engineer's comments, was not submitted for review.

Kirk Rother: Right. I will provide it as soon as I get it.

- A. The Report notes that depth to rock is generally shallow, and that the top few inches of the rock may be rippable by an excavator. Applicant to supplement the Report with an additional discussion proposing the method of cut excavation, including an estimate of the amount of material to be so removed and the duration of the removal process.

Kirk Rother: Yes.

- B. Removal of rock for the construction of ponds 2A and/or 2B may be different than excavation for the road. Applicant anticipates blasting. Submit a Blasting Plan for the Town Engineer's review, comment and approval.

Mr. Astorino: That will be in the report.

Comment #8: Place the maximum limit of excavation note on the Subdivision Plans and reference the note at the "limit of rock cut slope" call-out. Remove "approx." from the call-

out. Similarly, on the Erosion Control Plan, reference the note in the Legend under “disturbance limit line”. The symbol shown for this line in the Legend is not identical to the symbol shown on the plan. Revise.

Kirk Rother: Will do.

Comment #9: Lot #2 septic absorption field is situated within the 100-foot agricultural buffer. Construction of the field will require clearing of trees and understory growth, and this clearing must be maintained for the proper operation of the absorption field. Board to discuss a waiver.

Kirk Rother: That was another change that we made to the plan. If the Board recalls, the adjoining landowner to the south, Mr. Sanford requested a 50-foot R.O.W. into his property. On this particular plan along with the reconfiguration of the driveway on lot 2, we have provided a 50-foot R.O.W. into Mr. Sanford’s property. I was in a meeting with a representative from the Town Board and Mr. Bollenbach. We have looked at some aerial photogramry of Mr. Sanford’s property. The particular area in question is the wood lot. It is not agriculturally used at this time. In providing a 50-foot R.O.W. and reconfiguring lot 2, we would ask the Board to waive the provision for the 100-foot setback to agricultural lands and to allow the septic to be within that 100 feet.

Mr. Astorino: That is not actively farmed right now.

Kirk Rother: Right.

Comment #10: Provide a guide rail on West Ridge Road alongside Pond 2A to the DPW Director’s specifications.

Kirk Rother: Will do.

Comment #11: Place Driveway Notes 1-4 (ref. Standard Map Notes) on the plans. Driveways for Lots #2, #4, #5, #6, and #9 must be paved in their entirety and so listed in Note 4. Other lots shall be listed in Note 3.

Kirk Rother: Ok.

SWPPP COMMENTS (SWPPP DATED FEB 2007; LAST REVISED NOV. 2007):

Comment #12: Prepare a Landscaping Plan for the stormwater ponds and buffer areas consistent with the design manual.

Kirk Rother: Yes.

Comment #13: Applicant to provide signed and sealed copy of the final revised SWPPP.

Kirk Rother: Will do.

BEFORE FINAL APPROVAL:

Comment #14: Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes, Agricultural Protection Notes, and Private Road and Drainage Use and Maintenance Agreement Notes.

Kirk Rother: Ok. Mr. Chairman, I have no problem with the rest of the comments.

Mr. Astorino: We will list comments 15 through 19 for the record. Zen, do you have anything?

Comment #15: Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners and stone cairns at corners of open space.

Comment #16: Provide 9-1-1 addressing.

Comment #17: Pay parkland fees.

Comment #18: Pay performance bond and construction inspection fee for road, stormwater management facilities, and erosion control.

Comment #19: Pay outstanding review fees.

WAIVERS & EXEMPTIONS

<i>CODE</i>	<i>ACTIVITY</i>
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§A168 Appendix E ¶B (4)	Waiver for private road grade exceeding 14%.
§164-41.1G(4)	Waiver to maintain a cleared area for the Lot #2 septic absorption field within the 100-foot agricultural buffer.

Zen Wojcik: Mr. Chairman, I would like to go back to comment #1-A. I don't think it was discussed.

Mr. Astorino: Yes. Comment #1-A, Applicant has submitted a line-of-sight analysis. Screening along the sight line from West Ridge Road relies on vegetation that will be cleared to build the development. Applicant and Board to discuss. That was what you had showed me earlier this evening. The only thing on here is that these shrubs up here on Compitello's property. It would need a little screening up here. That should clear that up.

Zen Wojcik: It should.

Kirk Rother: For the record, the buildings that are shown on this are 35 feet high.

Mr. Astorino: Zen, that would also be a note on the plan.

Zen Wojcik: Yes.

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

Mr. Bollenbach: We will need to add to comment #14, and Right-Of-Way for Sanford.

Mr. Singer: Looking at the location of this project, since it is in close proximity to the Village, I was wondering if you would consider putting in sidewalks? The people would like to walk from this project to the Village. How do you feel about that?

Kirk Rother: Do you mean this project or Village View Estates?

Mr. Singer: I am talking about the Dayspring-Baum project.

Mr. Astorino: It is quite away from the Village.

Mr. Singer: It is walking distance to the Village.

Mr. Astorino: Are you talking about this project?

Mr. Singer: Yes.

Mr. Showalter: Carl, are you sure?

Mr. Astorino: I wouldn't be walking from here to the Village.

Kirk Rother: Do you want sidewalks on a private road?

Mr. Astorino: Not at all.

Mr. Singer: I guess my fellow Board members don't like the idea.

Mr. Astorino: Does the Board have anything further? This is a public hearing. If there is anyone in the audience wishing to address the Dayspring-Baum application, please rise and state your name for the record.

Mrs. Nash: I live on West Ridge Road. Has anybody been out on West Ridge Road this past week?

Mr. Astorino: Yes.

Mrs. Nash: Do you see what we are concerned about across the street from us coming off that hill?

Mr. Astorino: Do you mean the water crossing the road coming down the rocks?

Mrs. Nash: All week, I have watched the Town truck come in the morning, plow, back up, and plow again.

Mr. Astorino: Yes.

Mrs. Nash: What more could I say. We both have the same problem. Is this something that will be considered?

Mr. Astorino: We could take a look at that area of the project to see if there is anymore runoff or to limit the runoff coming off there to alleviate that problem.

Mrs. Nash: We have been here 40 something years.

Mr. Astorino: Have you always had a problem there?

Mrs. Nash: No. It was nothing like this year. They have been also clearing the property. This is the worse that it has ever been.

Mr. Astorino: Zen, on that section, could something be done?

Zen Wojcik: We would have to take a look at it. There is potential remediation.

Mrs. Nash: There is someone living in the house up on the hill. He has spent the whole winter scraping the driveway back and forth. We watched it. It is our entertainment for the evening.

Mr. Showalter: Ben and Zen, this is a worst-case-scenario to look at with runoff. It is pretty extreme now. Maybe that could be incorporated into the plan.

Mr. Astorino: Maybe something could be done to try to alleviate that. There is a valid concern there. I know that the stormwater plan doesn't allow anymore water to runoff then what is existing now. We will look into it. We will see what could be done.

Mrs. Nash: Ok. We all have the same problem. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Dayspring-Baum application?

Frank Compitello, Jr.: We have the last map. I know that it has been revised a little bit. Some of our concerns are the retention ponds especially the one in the back corner near our lands. What kind of provisions will be made to catch any overflow or where this pond would drain into. If that lets go, it will wash down right into our backyard. That is at least a 45 degree grade. It would come down into our basement and garage.

Kirk Rother: By virtue of this, the layout of the land that we have to work with, the water is running towards your house already. We had to do stormwater management somewhere uphill. We were conscious of the fact that we were putting in a pond uphill of your house. It is not that big. Because of that, sometimes when we design these ponds, we would create an embankment to hold the water back. On this particular pond, we didn't do that. We were excavating this below ground into the rock so that there would be no chance of the downstream embankment to fail. In the event of an extreme storm called 100-year storm, there is a rip-rap spillway which is located right here on the map. This would run and continue down along the road into the pipe under West Ridge Road.

Frank Compitello, Jr.: Ok. Another issue that has come up with the past ice storm that we had, we have a utility pole that is feeding the current house come down with the ice. That blocked our driveway. We had to get O&R to come out. We were wondering with the houses going up there, would those utilities be above us?

Mr. Astorino: The utilities will be underground.

Frank Compitello, Jr.: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Dayspring-Baum application?

Meg Pieper: I live on Cornfield Lane. First, I want to agree with Mrs. Nash. That has been a really dangerous turn. Unlike coming here tonight, that is the only iced covered road that we have traveled on. I do think that it is something that needs consideration.

Mr. Astorino: We will take a look at it.

Meg Pieper: Both my husband and I appreciate the consideration that the Board and Kirk gave to our concerns that we have expressed at our last meeting. We really appreciate that. In order for us to fully understand some of the changes that we had seen in the new plans, we do have a couple questions. One of the things changed was a conservation zone was added at the rear of lots 9 and 10. I want to understand what rules govern that zone.

Mr. Bollenbach: Kirk, is that an open space area?

Kirk Rother: It will be.

Mr. Astorino: It will be open space. It is deed restricted property.

Meg Pieper: What does open space mean? Does that mean the trees that are there have to stay there or does that mean you can't build on it?

Mr. Bollenbach: It is both. You can't build any accessory structures. It would be in a recorded declaration as to what could be done in that area. You could still mow vegetation. You cannot remove trees. There are limitations on that.

Meg Pieper: So, you cannot remove trees?

Mr. Bollenbach: Unless they are diseased or certified by Arborist to be removed.

Kirk Rother: Typically the language is something to the effect that there shall be no cutting of timber or excavating.

Meg Pieper: Ok.

Mr. Bollenbach: Or, any development in that open space area. There are to be no sheds and pools.

Meg Pieper: Ok. That helps. In regards to lot 7, when we talk about a 50-foot setback, does that mean the same thing that it is a no tree cut zone? What does that mean?

Kirk Rother: The reason that we did not extend the easement to the end of lot 7 is that we have a septic system right there.

Meg Pieper: Right. I understand that.

Kirk Rother: I think we could have a septic system in the open space.

Mr. Astorino: You could.

Mr. Bollenbach: I believe so. I will have to take a look.

Meg Pieper: I am aware of the septic system there. That means all of that leachfield will be cleared. Is that right?

Kirk Rother: Yes.

Meg Pieper: This is the wetlands. There is very little natural vegetation surrounding the wetlands because it is a wetland. I was wondering if we could request the Board to request the developer to do some kind of privacy tree shrubs in this non-wetland area here.

Mr. Astorino: That borders your property. Where do you want it?

Meg Pieper: We could not do it in the wetland area. This is where the septic is.

Kirk Rother: It is between the septic on lot 7.

Mr. Astorino: So, you want a little bit of screening in that area there.

Meg Pieper: We want it in this area here.

Mr. Astorino: I don't think the Board would have a problem with that.

Mr. McConnell: Kirk, are you taking down trees in that area?

Kirk Rother: It would be just in the area of the septic system.

Meg Pieper: The leachfield would be cleared.

Mr. Astorino: You can't plant trees on a leachfield.

Mr. McConnell: Right. I am just trying to determine whether there was going to be a change from what is there now, other than there is going to be a house there, is it going to be more visible to these folks then it would be if you could just buff it down...

Kirk Rother: Would they notice if some trees were removed, most likely.

Mr. McConnell: Ok.

Mr. Astorino: Ok. So, we could do some mitigation of trees. I don't think that would be a problem.

Meg Pieper: Ok. Will there be any deed restrictions? Some people have talked about swimming pools and sheds.

Mr. Astorino: That is in the open space. Anything in the open space area, you cannot do. Whether the applicant puts deed restrictions on their lots on what type of aboveground pools or what have you, that would be up to the applicant.

Meg Pieper: We have a deed restriction on our property.

Mr. Astorino: That was on your property. That wasn't imposed by the Town or the Town Planning Board. Maybe when you bought your home the seller of the lot imposed those deed restrictions.

Meg Pieper: Ok.

Mr. McConnell: Sometimes a developer putting in a subdivision wants to have a uniform look because he would find it easier to market the property that way. They might take it upon themselves to say no above ground pools, clotheslines, or whatever. That is not our ruling.

Mr. Bollenbach: There will be some deed restrictions. It would be in a declaration format. We have that in comment #14, provide the declaration and the recording information on the plan for Ridgeline Overlay notes. That deals with the color of the building. It has to be earth tones. There are lighting restrictions. Homes cannot be moved more than 20 feet in any direction from where they are located on the plan.

Meg Pieper: That is with the Ridgeline.

Mr. Bollenbach: Yes. The Ridgeline Overlay deals with the aesthetics, with the lighting. There will be Agricultural Protection notes. That puts people on notice that there are agricultural operations in the area. There will be a Private Road Use and Maintenance Agreement. That will be part of the declaration. It is a private road. People would have to maintain it. There will also be some notes regarding that private R.O.W. to the Sanford property. There will be deeded restrictions.

Meg Pieper: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Dayspring-Baum application. Let the record show no further public comment. There are some issues that we will have to discuss. We will need to adjourn this to another meeting.

Mr. Singer makes a motion to adjourn the Public Hearing to the March 19, 2008 Planning Board meeting.

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

Mr. Astorino: To the residents that came out tonight for the Dayspring-Baum public hearing. The public hearing has been adjourned to March 19, 2008. This is your notice. There will be no other notices sent out to you.

Kirk Rother: Thank you.

PUBLIC HEARING OF Victor J. Ludmerer and George Vurno

Application for preliminary approval of a proposed 6-Lot cluster subdivision entitled, "*Masker Fruit Farm, Inc.*", situated on tax parcel S 53 B 1 L 20 and 35; parcel located on the eastern side of Brady Road, closest intersection with Cascade Road, in the MT/CO zones, of the Town of Warwick, County of Orange, State of New York. Continued Public Hearing from the February 6, 2008 Planning Board meeting.

Representing the applicant: Kirk Rother, Engineer.

The following reviewing comments submitted by Tectonic:

1. Board to discuss SEQR.
 - A. Applicant to discuss well testing and monitoring.
2. Applicant to discuss project.

YIELD PLAN (LAST REVISED 2/14/08)

3. Board to consider special approval of proposed 14% grade for private road (not a waiver).
4. No further comment. Board to consider Yield Plan.

CLUSTER PLAN (LAST REVISED 1/14/08)

5. Place the following note on the Cluster Subdivision Plan: "As per Section 164-45.1F of the Town Code, lots in the AP-O district that were in existence on 1/1/2002 may be subdivided for one additional residential lot in accordance with 1989 zoning standards. Town Board resolution #R2007-303 authorized AP-O participation."
6. FOR THE RECORD – Applicant has revised the location of the dwelling and the driveway for Lot #5, as requested by the Planning Board.
7. Provide plantings for additional screening of the Lot #5 driveway, to the Town Planner's specifications.

SWPPP COMMENTS (DATED, SEPTEMBER 2007)

8. Provide swale sizing calculations for "Swale A", "Swale B" and "Swale" (running from intersection with Brady Road to proposed wet pond). [The Drainage Basin Calculation Plan calculates the discharge but does not have any calculation for swale dimensions or any other means to check their sufficiency.]
9. Show the limits of disturbance on the "Drainage Basin Calculations Plan" attached to the SWPPP report.

BEFORE FINAL APPROVAL

10. Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes, Agricultural Protection Notes, Private Road Notes, Private Road and Drainage Facility Use and Maintenance Agreement Notes, Radon Reduction Notes and Open Space Note.
11. Provide a dedication strip on Brady Road for the Town Board's consideration.
12. Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at corners of open space (per the Town Engineer's specification).
13. Propose an acceptable name for the road and provide 9-1-1 addressing.
14. Pay parkland fees.
15. Pay performance bond and construction inspection fees for private road, stormwater management and erosion control.
16. Pay outstanding review fees.

The following comment submitted by the Conservation Board:

Ludmerer / Masker Fruit Farms, Inc. – None Submitted.

The following comment submitted by the ARB, dated 2/20/08:

Ludmerer / Masker Fruit Farms, Inc. – ARB had no comment.

Comment #1: Board to discuss SEQR.

Mr. McConnell: The following SEQR comment has been prepared by Mr. Ted Fink, dated 2/20/08: "SEQR issues associated with this cluster subdivision application include the potential for impacts on agriculture, federal wetlands, biodiversity areas, stormwater management, aesthetics (Ridgeline Overlay District), soil erosion and sediment control, water supply, and steep slopes. The applicant has provided information to indicate potential impacts and mitigation measures associated with these issues and I have prepared a draft Negative Declaration for the Planning Board's consideration".

A) Applicant to discuss well testing and monitoring.

Kirk Rother: We had a public hearing back in December. There were (3) adjoiners that brought up concerns about the availability of groundwater. Subsequent to that, the Planning Board had asked the applicant to do a pump test on the existing well serving the existing residence while offering to monitor all neighboring wells within 1000 feet. We had done that. There were (14) landowners that were notified. There were (5) landowners that participated. We did our pump test on our well. (4) of the (5) in my opinion showed no influence whatsoever. The nearest well belonging to Distefano showed a very slight influence that couldn't coincide with our pump test. Overall it was less than 3/10th of 1% of the water problem in his well. It is our conclusion that would be deminimus. The test well on our lot was the closest to Deistefano's well for the developed condition. All of the proposed wells are further away.

Comment #2: Applicant to discuss project.

Kirk Rother: It is a proposed 6-lot cluster subdivision, situated on approximately 49 acres of land. It is located within the MT/CO zoning districts. This plan has not changed substantially in the last 1-1/2 years to 2 years. The most recent changes to the plan primarily

focuses on lot #5, which is near an adjoining landowner Mr. Neves. The Board had seen the changes that we made at a work shop.

YIELD PLAN (LAST REVISED 2/14/08)

Comment #3: Board to consider special approval of proposed 14% grade for private road (not a waiver).

Comment #4: No further comment. Board to consider Yield Plan.

Kirk Rother: We are pursuing it as a cluster subdivision without asking for the density bonus, which is why the Board has the ability to give this approval on our yield plan.

Mr. Astorino: Zen, do you have any comments on that.

Zen Wojcik: No.

Mr. Astorino: If the Board feels comfortable with it, do we have a consensus on the yield plan?

Mr. McConnell: Yes.

Mr. Singer: Yes.

Mr. Kowal: Yes.

Mr. Showalter: Yes.

Mr. Astorino: Ok. We have a consensus on the yield plan.

CLUSTER PLAN (LAST REVISED 1/14/08)

Comment #5: Place the following note on the Cluster Subdivision Plan: "As per Section 164-45.1F of the Town Code, lots in the AP-O district that were in existence on 1/1/2002 may be subdivided for one additional residential lot in accordance with 1989 zoning standards. Town Board resolution #R2007-303 authorized AP-O participation."

Kirk Rother: We will add the note.

Comment #6: FOR THE RECORD – Applicant has revised the location of the dwelling and the driveway for Lot #5, as requested by the Planning Board.

Kirk Rother: Yes.

Comment #7: Provide plantings for additional screening of the Lot #5 driveway, to the Town Planner's specifications.

Kirk Rother: Will do.

SWPPP COMMENTS (DATED, SEPTEMBER 2007)

Comment #8: Provide swale sizing calculations for “Swale A”, “Swale B” and “Swale” (running from intersection with Brady Road to proposed wet pond). [The Drainage Basin Calculation Plan calculates the discharge but does not have any calculation for swale dimensions or any other means to check their sufficiency.]

Kirk Rother: Ok.

Comment #9: Show the limits of disturbance on the “Drainage Basin Calculations Plan” attached to the SWPPP report.

Kirk Rother; Yes.

Mr. Bollenbach: Let us go back to comment #8. Zen, is there sufficient area there? Is that a limiting factor or is it just an administrative calculation?

Zen Wojcik: It is an administrative calculation. We just need to verify that the size that he is using is appropriate.

Mr. Bollenbach: Ok.

BEFORE FINAL APPROVAL

Comment #10: Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes, Agricultural Protection Notes, Private Road Notes, Private Road and Drainage Facility Use and Maintenance Agreement Notes, Radon Reduction Notes and Open Space Note.

Kirk Rother: Ok. Mr. Chairman, I am ok with the rest of the comments.

Mr. Astorino: We will put comments 11 through 16 for the record. Do any Board members or Professionals have any comments?

Comment #11: Provide a dedication strip on Brady Road for the Town Board’s consideration.

Comment #12: Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at corners of open space (per the Town Engineer’s specification).

Comment #13: Propose an acceptable name for the road and provide 9-1-1 addressing.

Comment #14: Pay parkland fees.

Comment #15: Pay performance bond and construction inspection fees for private road, stormwater management and erosion control.

Comment #16: Pay outstanding review fees.

Mr. Bollenbach: We need to add to comment #15, a landscaping bond.

Mr. McConnell: John, is that because we will require plantings?

Mr. Bollenbach: Yes. There will be additional plantings in connection with the soil erosion control and also with the visual landscape mitigation screening for lot #5.

Mr. Showalter: That is Mr. Neves lot.

Mr. Bollenbach: Yes.

Mr. Astorino: Do any Board members or Professional have any other comments or concerns?

Mr. McConnell: I would like to hear from our Engineer on the well testing and the monitoring. We have heard from the Developer's Engineer give his recounting of it. I would just like to hear from our Engineer.

Zen Wojcik: At the request of the Planning Board, the applicant had done well testing on the site with accordance with the NYSDOH standards. The well that they used the existing well on the Vurno property, which currently serves the house there, they got a yield in excess of (5) gallons per minute. They ran it at (5) gallons per minute which was quite a large amount of water coming out. It took (2) hours for the water to stabilize. That is a very short time. The well stayed stable during the entire time that it was tested. Then, it took (2) hours to recover. It is indicative that the aquifer is working well over there. Of the (5) people who's wells were monitored, the one well immediately adjacent to the Vurno property had shown some reaction to the pumping that occurred on the Vurno property. However, it was minimal. There was another well on the property that was further away, the Sharkey property, but the one that was affected was the Distefano's property. On the Sharkey property, we thought that there was a little bit of an affect. The affect is very small, which is good. At Tectonic, we have a Hydrogeologist. I had spoken to him about this aquifer. He had made comments on his report that the aquifer is relatively shallow because of the way the bedrock is. It is approximately 170 feet down from the surface. An unconfined aquifer is high weather dependent. If we would have several years where there would be a drought, then there might be something detrimental happening here. But, none of the people who said that they were concerned mentioned that they did not have any problems with their wells. It was our feeling that since there have not been any problems until now, this was an extreme stress of the system. The system worked well. We don't think there would be any problems in the future.

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

Mr. Bollenbach: That was supported by Tectonic's memo, dated 2/11/08. Tectonic's memo is stated as follow:

MEMORANDUM

TO: Ed Butler/Zen Wojcik
FROM: James Upright
SUBJECT: W.O. 532.LUDMERER Review of
Ludmer Subdivision Well Testing
Submission Dated February 6, 2008
DATE: February 11, 2008

As requested, we have reviewed the pump test data for the Ludmerer Subdivision provided by Kirk Rother for the Town of Warwick Planning Board. This data documents their pump testing and pump test results for the one well located in the proposed subdivision as well as water level data from the wells of five (5) adjacent or nearby parcels.

The pumping well was the existing well for the current residence on the subject parcel. The results of the pump test were provided to the Town of Warwick Planning Board and indicates that the well is capable of providing 5 gallons per minute. Due to concerns from neighboring property owners about the impact of the subdivision on their wells, the Planning Board requested that the applicant monitor the wells of the adjacent home owners who requested to be monitored. We have prepared comments on the pump test data as follows:

- No report was provided with the data, and therefore all conclusions and recommendations are based on Tectonic's review of the data received by the Planning Board.
- All the monitored wells appear to have been in use during the pump test as indicated by the spikes in the data for the monitored well. Drawdown for these spikes does not exceed 3 feet in any of the wells, which is less than 2% of the reported depth of the wells. It should be noted that all of these wells recover rapidly to their original levels after cessation of pumping
- A review of the data indicates that the Neves, Sanzone, and Ajello wells do not appear to be impacted by the pump test. With the exception of short spikes due to use of the well, the Sanzone well steadily increases before, during and after the pump test. Ajello and Neves wells remain at nearly a constant level during the pump test except for temporary drawdowns due to use of the monitored well.
- The Distefano well data and possibly the Sharkey well data indicate that they were impacted by the pump test which indicates that the three wells have some degree of connectivity. The Sharkey well was highly used on the day of the pump test but the trend appears to show some impact. The Distefano well indicates about a one foot of drawdown during the pump test which is about 1 percent of the depth of the well and less than the drawdown from the use of the Distefano well.
- Based on our understanding of the geology of the area around the property, bedrock is a highly deformed metamorphic rock with a relatively thin covering of soil. Metamorphic bedrock is highly impermeable except in highly fractured areas. Based on the pump test data the bedrock is inferred to be probably highly fractured. The wells in this area are also very shallow for bedrock wells which indicate significant near surface fractures and likely an unconfined aquifer. An unconfined aquifer is high weather dependent and the yield of the aquifer will vary seasonally. However if the existing wells have had no significant problems in the past, then the aquifer is likely able to support the proposed development.

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

Mr. McConnell makes a motion for the Negative Declaration.

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

617.12(b)

State Environmental Quality Review (SEQR)

Resolution Authorizing Filing of Negative Declaration

Name of Action: Ludmerer Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed six lot subdivision, Town of Warwick, Orange County, New York, and

Whereas, there are other involved agencies pursuant to SEQR, and

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 8/11/04, 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.

Kirk Rother: Mr. Chairman on the Negative Declaration under Description of Action where it says the applicant has requested cluster subdivision approval of a 48.76 acre parcel, it is (2) parcels that total 48.76 acres.

Mr. Showalter: On the Negative Declaration under Location, it says Ball Road. It is not Ball Road. It is Brady Road.

Kirk Rother: I pointed that out because it affects parkland fees.

Mr. Astorino: Ok. It is duly noted. We will change that.

Mr. Bollenbach: Connie, do you have that for Ted?

Connie Sardo: Yes.

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

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

Mr. Showalter makes a motion on the Victor J. Ludmerer and George Vurno application, granting preliminary approval for a proposed 6-Lot cluster subdivision entitled, "**Masker Fruit Farm, Inc.**", situated on tax parcel S 53 B 1 L 20 and 35; parcel located on the eastern side of Brady Road, closest intersection with Cascade Road, in the MT/Co zones, of the Town of Warwick, County of Orange, State of New York.

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

Kirk Rother: Mr. Chairman, this is a major subdivision that could require a final public hearing and final approval. Since there was no public comment tonight and the plan has not changed in quite awhile, we ask the Board to consider waiving the final public hearing and granting a conditional final approval.

Mr. Bollenbach: That would be something in the Planning Board's discretion. This does not require County Health approval for the septics.

Mr. Astorino: Zen, how do you feel?

Zen Wojcik: Mr. Chairman, that was the point that had to be made.

Mr. Astorino: Ok.

Mr. Singer makes a motion to waive the final public hearing.

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

Mr. Kowal makes a motion on the Victor J. Ludmerer and George Vurno application, granting final approval for a proposed 6-Lot cluster subdivision entitled, "**Masker Fruit Farm, Inc.**", situated on tax parcel S 53 B 1 L 20 and 35; parcel located on the eastern side of Brady Road, closest intersection with Cascade Road, in the MT/Co zones, of the Town of Warwick, County of Orange, State of New York, subject to the following conditions:

1. Place the following note on the Cluster Subdivision Plan: "As per Section 164-45.1F of the Town Code, lots in the AP-O district that were in existence on 1/1/2002 may be subdivided for one additional residential lot in accordance with 1989 zoning standards. Town Board resolution #R2007-303 authorized AP-O participation."
2. Provide plantings for additional screening of the Lot #5 driveway, to the Town Planner's specifications.
3. Provide swale sizing calculations for "Swale A", "Swale B" and "Swale" (running from intersection with Brady Road to proposed wet pond). [The Drainage Basin Calculation Plan calculates the discharge but does not have any calculation for swale dimensions or any other means to check their sufficiency.]
4. Show the limits of disturbance on the "Drainage Basin Calculations Plan" attached to the SWPPP report.
5. Provide the Declaration and the Recording Information on the plan for Ridgeline Overlay Notes, Agricultural Protection Notes, Private Road Notes, Private Road and Drainage Facility Use and Maintenance Agreement Notes, Radon Reduction Notes and Open Space Note.
6. Provide a Dedication Strip on Brady Road for the Town Board's consideration.
7. Certify Setting of Iron Pins. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at corners of open space (per the Town Engineer's specification).

8. Propose an acceptable name for the road and provide 9-1-1 addressing.
9. Pay Parkland Fees.
10. Pay Performance Bond and Construction Inspection Fees for Private Road, Stormwater Management and Erosion Control and Landscape Plantings.
11. Pay Outstanding Review Fees.

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

PUBLIC HEARING OF Sundown Properties, Inc./Martco, LLC.

Application for preliminary approval of a proposed 20-Lot cluster subdivision, entitled “**Hampton Hill**”, located on tax parcel S 18 B 1 L 27; parcel located along both sides of Jessup Road at the intersection with Spanktown Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: John Petroccione from Pietrzak & Pfau Engineering. Bob Krahulik, Attorney. Mario Martinez, applicant/owner.

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

Mr. Astorino: Thank you.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.

YIELD PLAN (last revised 10/24/03, NOT SUBMITTED THIS TIME)

3. No Comments. Board achieved consensus on 1/18/06

CLUSTER PLAN (6/22/04, LAST REVISED 5/7/07)

4. Please refer to attached Memorandum dated January 11, 2008 for review comments of the Well Testing Report. Board and Applicant to discuss.

SWPPP Comments

5. Identify the forebay on the plans for the proposed pond.
6. Provide Emergency Spillway in proposed pond and include details.
7. Prepare a Landscaping Plan for the stormwater pond(s) and buffer area(s) consistent with the Design Manual.

BEFORE FINAL APPROVAL

8. Provide the declaration and the recording information on the plan for current Ridgeline Overlay Notes, Agricultural Protection Notes and Open Space Conservation. Provide the declaration and the recording information on the plan for Homeowner’s Association ownership and maintenance of stormwater management facilities. Indicate easements on plans and include descriptions in deeded declaration.
9. Applicant to offer dedication of R.O.W. strips along Spanktown and Jessup Roads to Town. Show on Survey Sheet and provide offer to Planning Board Attorney for review.
10. Provide offer of dedication of Hampton Drive to Planning Board Attorney for review.
11. Pay performance bond and construction inspection fee for Town road, stormwater management facilities and erosion control.
12. Pay parkland fees.
13. Pay outstanding review fees.

The following comment submitted by the Conservation Board:

Hampton Hill – None Submitted.

The following comment submitted by the ARB, dated 2/20/08:

Hampton Hill - See many previous comments from ARB. The idea from the Planning Board members of re-configuring the open space in order to protect water resources is to be commended.

Comment #1: Board to discuss SEQR.

Mr. McConnell: This SEQR comment has been prepared by Mr. Ted Fink, dated 2/20/08: "The subdivision is a Type 1 Action and the Board has been requesting extended SEQR studies as part of the Full Environmental Assessment Form. The primary issue of concern is the adequacy of water supply. The Planning Board requested a well test program, which has been conducted and a report prepared. Additional information is required from the applicant to address SEQR impact concerns."

Comment #2: Applicant to discuss project.

John Petroccione: The project is a proposed 20-lot residential subdivision. It is situated on approximately 117 acres. Of that 117 acres, the project will be constructed on a roughly 28-acre footprint. Approximately 86 acres of that will be permanent open space with 71 acres being offered to the Audubon Society. We have received an indication from them. They would like to accept our offer. The project will be served by individual wells and septic. The well testing to date, we have performed an initial test at rates in excess that was required by the OCHD. We had difficulty on the initial yields and hydrofractured the wells. The results were roughly 20% higher than what the Health Department would require. Regarding the water quality issues, they are within drinking water standards. Based upon some reported off-site impacts to adjacent wells, the applicant agreed to additional quantity monitoring. To accomplish that, (2) additional wells were drilled. The total (4) wells were pump tested for a minimum of 24 hours. That test was done in variation to the OCHD standards because they don't require (4) wells. The total yield of the (4) wells was roughly double that, which we anticipated the project to require. The testing was done at half of the designated pumping rate for the OCHD to accommodate the fact that we pumped the double number of wells. That would require a total of 10 g.p.m. for the project in their testing. We tested originally 14 g.p.m. total. On our second round, it was at 10.5 g.p.m. This was a protocol that we had reviewed with Tectonic. We felt this was the best way to monitor the potential off-site impacts of any wells off-site due to the construction of our new wells. Although we had tested at lower yields, these wells were found to have more than adequate water. The initial (2) wells were tested 7 g.p.m. The most recent (2) wells we had one well at 20 g.p.m. and the third was found at 3 g.p.m. We will hydro-fracture that well at a later time. It was high enough for this test so that was not done yet.

YIELD PLAN (last revised 10/24/03, NOT SUBMITTED THIS TIME)

Comment #3: No Comments. Board achieved consensus on 1/18/06

CLUSTER PLAN (6/22/04, LAST REVISED 5/7/07)

Comment #4: Please refer to attached Memorandum dated January 11, 2008 for review comments of the Well Testing Report. Board and Applicant to discuss.

Mr. Astorino: You just explained your end. Zen, do you have anything to add to that?

Zen Wojcik: One of the comments that we had made on the report was because of the problem that they had with yields. Our recommendation was that the wells be yield

tested for all the lots when they are constructed as a condition of the C of O so that they could prove to meet the requirements of the County.

John Petroccione: We don't have a problem with that.

Mr. Bollenbach: That is something that is up to the Board's discretion. Prior to a C of O that the wells be tested, if somebody already has their house built, and now you can't find water? Let us take it a step at a time here and review the rest of the reports, then we could go from there. I wouldn't make a blanket statement right now that you could do it prior to a C of O.

Zen Wojcik: They did have yields around 3 g.p.m. The condition that the County sets forth is if you achieve 2 g.p.m minimum. If you provide the storage, you could have a house. They have certainly met the minimum requirements. It just didn't go as far as 5 g.p.m., which is the County's requirement. If the Board should choose to make the requirement by C of O that the houses would either have wells that pumps sufficiently or they could provide storage, they will have water. That was what they proved.

Mr. Bollenbach: That is an issue that I think is still open for the Board's consideration.

Zen Wojcik: I just wanted the Board to understand that.

Mr. Astorino: That is something we could discuss.

Mr. Bollenbach: Yes.

SWPPP Comments

Comment #5: Identify the forebay on the plans for the proposed pond.

John Petroccione: No problem.

Comment #6: Provide Emergency Spillway in proposed pond and include details.

John Petroccione: No problem.

Comment #7: Prepare a Landscaping Plan for the stormwater pond(s) and buffer area(s) consistent with the Design Manual.

John Petroccione: No problem.

BEFORE FINAL APPROVAL

Comment #8: Provide the declaration and the recording information on the plan for current Ridgeline Overlay Notes, Agricultural Protection Notes and Open Space Conservation. Provide the declaration and the recording information on the plan for Homeowner's Association ownership and maintenance of stormwater management facilities. Indicate easements on plans and include descriptions in deeded declaration.

John Petroccione: No problem.

Comment #9: Applicant to offer dedication of R.O.W. strips along Spanktown and Jessup Roads to Town. Show on Survey Sheet and provide offer to Planning Board Attorney for review.

Mr. Astorino: We have discussed earlier about resurfacing Spanktown Road out to the County road. Mr. Bollenbach, is that correct?

Mr. Bollenbach: Yes.

John Petroccione: That is noted on the current plan.

Mr. Astorino: Ok.

Mr. Bollenbach: Zen, maybe you could take a look at that.

Zen Wojcik: Yes.

Comment #10: Provide offer of dedication of Hampton Drive to Planning Board Attorney for review.

John Petroccione: No problem.

Comment #11: Pay performance bond and construction inspection fee for Town road, stormwater management facilities and erosion control.

John Petroccione: No problem.

Comment #12: Pay parkland fees.

John Petroccione: Yes.

Comment #13: Pay outstanding review fees.

John Petroccione: Yes.

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

Mr. Singer: I was thinking about what Mr. Bollenbach had said about the water and what Zen had said about the water. Perhaps all the wells should be dug now and test them now.

Mario Martinez: I would object to that.

Mr. Bollenbach: That is something that would have to be reviewed. There might have to be a few more wells until the Board gets to a level of comfort.

Mr. Astorino: Let us see what the public has to say.

Mario Martinez: How about at the time of a building permit?

Mr. Astorino: That could be at the time before a building permit is issued. That is something that could be considered.

Mario Martinez: By the time of issuing a permit would be ok by me, but not at the time of a C of O.

Mr. McConnell: You might want to consider something like no filling of pools from wells.

Mr. Bollenbach: Yes. That has been done on other applications.

Mr. McConnell: That would add a little extra comfort to the surrounding area.

Mr. Astorino: Does the Board or the Professionals have any further comments? This is a public hearing. If there is anyone in the audience wishing to address the Hampton Hill application, please rise and state your name for the record.

Nancy Kobylowski: I live on Jessup Road. I have many concerns. One concern that I have is regarding my well. I have brought in some photos. We have had problems with our well over the last 8 years. I have brought in my filter with my water in it to show you. In the photographs, these are the extra things that I had to have installed in our home.

Mr. Astorino: This was before any wells were dug on the applicant's property.

Nancy Kobylowski: Right. Another concern that I have is that we had received a letter that they were going to monitor our well. We waited and waited. After a very heavy rainfall, they showed up to test our well.

Mr. Astorino: They have to coordinate with the Town on that. It is not just the applicant's random deal to go out there.

Nancy Kobylowski: Ok. We have all this problem with our water. I was wondering with these (20) other houses around us and we are all doing laundry on the weekend what could happen. Could the developer or the Town guarantee our well? I would like there to be some type of guarantee.

Mr. Astorino: We cannot give any guarantee. We cannot give you a guarantee on what is in the ground. What we can do is monitor wells. As we had just discussed, the Board is very concerned.

Nancy Kobylowski: Could you monitor them at other times?

Mr. Astorino: Zen, in the report on the Kobylowski's well, I don't know if it shows an interconnection.

Zen Wojcik: I will read from the report that I have. This is our review of the report, dated 1/11/08. The report indicates that only one neighboring well (Kobylowski) was impacted by the pump test. The Kobylowski well is the closest neighboring well and is located in the middle of the pumping wells. The amount of the impact of the pump test indicated in the report was less than 1-foot. The normal usage of the Kobylowski well results in about a drawdown of about 12 feet. In other words, the laundry, shower, and whatever else you do in the house that would bring down your well about 12 feet. The pumping brought it down about an additional foot. Therefore, the pump test resulted in an impact of less than 8% of the normal usage of the well. Considering the pump test

pumped double the quantity of water that the proposed subdivision will use, the impact to the Kobylowski well is minimal. That was our rationale behind that. Tectonic's Memo is dated, 1/11/08 and is stated as follows:

TO: Ed Butler/Zen Wojcik
FROM: Jim Upright
SUBJECT: W.O. 532.0325 Review of Hampton
 Hills Subdivision Well Testing Report
 #2 Dated December 10, 2007

DATE: January 11, 2008

As requested, we have reviewed the pump test report and data for the Hampton Hills Subdivision provided by Petrzak & Pfau Engineering & Surveying, PLLC for the Town of Warwick Planning Board. This report documents their pump testing and pump test results for four wells located in the proposed subdivision as well as water level data from the wells of seventeen (17) adjacent or nearby parcels.

The wells on Lot 4 and Lot 16 were installed and tested during the first pump test for the project. The results of the first pump test were provided to the Town of Warwick Planning Board previously and indicated that both wells were capable of providing 2.5 gallons per minute. Due to complaints from neighboring property owners about cloudy water in their wells, the Planning Board requested that the applicant perform the pump test again with two additional wells being tested as well as monitoring of water levels in well of adjacent property owners. We have prepared comments on the pump test report as follows:

- The report should document the initial conditions at the wells including the driller's well construction logs, and initial groundwater levels at each of the pumping wells.
- Due to the low initial yields of 3 of the 4 wells installed to date, each well in the subdivision should be yield tested to determine if the well meets NYSDOH criteria for well yields and storage requirements prior to issuance of a certificate of occupancy for each lot.
- The water level data from the four pumping wells indicate that the four pumping wells are capable of producing at least 2.5 to 3 gallons per minute each. As this is less than 5 gpm, the applicant will need to provide storage for these wells which could include borehole storage as per NYSDOH regulations.
- There appears to be no measurable interference between the four pumping wells.
- The report indicates that only one neighboring well (Kobylowski) was impacted by the pump test. The Kobylowski well is the closest neighboring well and is located in the middle of the pumping wells. The amount of the impact of the pump test indicated in the report was less than 1 foot. The normal usage of the Kobylowski well results in about a drawdown of about 12 feet, and therefore the pump test resulted in an impact of less than 8% of the normal usage of the well. Considering the pump test pumped double the quantity of water that the proposed subdivision will use, the impact to the Kobylowski well is minimal.
-

Nancy Kobylowski: You wouldn't know how much the development would use. You don't know how many people will be in each house.

Zen Wojcik: We do know. We have a figure that the State allows us to approximate based upon the number of bedrooms that would be in each house. We have a figure on what we think they would be using.

Nancy Kobyloowski: Ok.

Zen Wojcik: Frankly, it is a little bit higher than what it usually is.

Mr. Bollenbach: Tectonic's memo addressed quantity. Quality might be another issue.

Zen Wojcik: Quality is another issue.

Mr. Astorino: Yes.

Nancy Kobyloowski: Right now, I have a private backyard. I would like to know if there is any type of guarantee from the developer that there could be a row of pine trees put up to block the noise. Right now, back there, it is very quiet and private. If that was to be the case, I want to make sure that the neighbors at some point who would own those houses couldn't come in and take that row of pine trees down that would block the noise and give us privacy.

Mr. Astorino: What lots are near Kobyloowski's property?

Mr. McConnell: Lot #18 and #19.

Mr. Astorino: Is there an existing hedgerow over there?

Nancy Kobyloowski: No.

Mr. Showalter: It is all open.

Mr. Astorino: John, do you have any open space on this side at all?

John Petroccione: No. We don't.

Mr. Astorino: Maybe, if the Board would like some screening, evergreens would be a good year round screening.

John Petroccione: We are not proposing any clearing there. We could do something to supplement.

Mr. Astorino: John, in that area maybe we could put in a strip of open space so that the plantings are there and they could not be cut down at any time.

Mr. Bollenbach: It doesn't necessarily have to be the open space. There could be deed restrictions.

Mr. Astorino: We could do a deed restriction on that parcel there that could give some privacy and so that they couldn't come in and cut them down at some time.

Nancy Kobyloowski: That would be great. I have another concern. I am concerned about the traffic out onto Spantown Road. Right now, we have had a lot of close calls. What would the developer be planning to do to that intersection? It is a dangerous intersection.

Mr. Astorino: We will do resurfacing. We will have them take care of the resurfacing out onto the County road to make it a better road surface.

Nancy Kobyłowski: You can't see there. You have a strip of property there. You are coming out Spanktown Road to Jessup Road. Then, there will be this road with all the traffic.

Mr. Astorino: The road will have to meet all the sight distance requirements.

Nancy Kobyłowski: I believe across the street there would have to be some kind of runoff pond. I am not familiar with that. Could that be explained to me?

John Petroccione: Yes. The stormwater ponds is something that is required by the NYSDEC. What we do is a mix of excavation. We take that material and create embankments. It is not a hole in the ground anymore like what they use to be. Both the DEC and the Town have changed their rules on that. There is more of a gradual slope that the water requires. We are trying to promote growth of vegetation on the banks into the water. With these ponds, we had a lot of room to try to make it look nicer. Based upon the fact that we are giving it to the Audubon Society, they also had input on how it would look. We based it on incorporating this into part of their bird watching program. They would be creating trails around it with possibly some park benches. They don't want something ugly there either.

Nancy Kobyłowski: Ok. Could I get a report on my well so that I could have somebody look at it?

Mr. Astorino: Do you mean as far as the monitoring that took place?

Nancy Kobyłowski: Yes.

John Petroccione: We could give a copy of the data to you.

Mr. McConnell: The pictures that you show of the filters and the package here that you have delivered to Zen, you said that was before any testing was done.

Nancy Kobyłowski: Yes.

Mr. McConnell: So, your water has always been dirty.

Nancy Kobyłowski: Not always. It is just our well has been a little more fragile over the last year.

Mr. Showalter: Nancy, did you just take that sample recently that yucky bag?

Nancy Kobyłowski: Yes. That is right now.

Mr. Showalter: So, that would be after the testing.

Nancy Kobyłowski: Yes.

Mr. McConnell: I am questioning on what it is that you have told us in the beginning.

Nancy Kobyłowski: We just added those extra filters recently. We had a plumber come in. That was within this last year, the recent year. In the picture, the one filter was there. We had to have all the extra stuff added because the water became very dirty as you could see. It hasn't been like that.

Mr. McConnell: I am trying to establish a cause in the relationship between the testing...

Mr. Showalter: It was after the start of digging?

Nancy Kobyłowski: Yes. It was after they started digging. This filter was put on about a week or so ago. The water was so dirty. That was why we had that extra filter put in. Thank you for your time.

Mr. Astorino: Is there anyone else wishing to address the Hampton Hill application?

John Galiski: My well was tested in that program. I was told that I would receive a report. I have never received a report.

Mr. Astorino: We have the well report. You could come to the Town Hall and get a copy.

John Galiski: They told me that they would send me a report.

Mr. Astorino: I don't know. I can't speak for the applicant.

Bob Krahulik: We will send you a copy of the report.

John Galiski: When they did test my well, they did damage to the cap of my well. I asked them about it. They said don't worry about it, we will replace it. It has never been replaced.

Mr. Bollenbach: Zen, did you have some discussions?

Zen Wojcik: Yes. I heard that there was a cap damaged and that it was replaced. I don't know if it was Mr. Galiski.

John Galiski: No. My cap has never been replaced.

Mr. Astorino: We will get that done to take care of the cap.

John Galiski: How would they get the probe past the bumpers in the well?

Zen Wojcik: It is a computerized monitoring. It is something that is loaded inside your well for a week or so while they are doing the testing. It is actually before and after testing. That monitor records where it was in the well. We like that kind of testing because it is unambiguous. No one could monkey around with the numbers. We have all this backup data and lots of information. The applicant said that they would provide you with a report. If you don't get one in time, come to us. We will give you a copy of what we have from them.

John Galiski: Would that be a report on my individual well?

Zen Wojcik: It would be all the raw data including your particular well. There report is centered in on where it impacts. If yours was one of the wells, and it was, where there wasn't an impact, there is very little said about it. There is a chart that is generated so you could see your water usage and what happened during the period of testing. That is about as explicit it would get with individual wells.

John Galiski: After I was told I would receive a report, I question the accuracy and of the responsibility of the people doing it.

Zen Wojcik: These are honorable people.

Mr. Showalter: Have you ever had a problem with your well in the extreme heat of the summer or had a dirtiness problem?

John Galiski: No. I am down 300 feet. I am one of the shallowest wells in the area.

Mr. Astorino: How many gallons per minute do you have?

John Galiski: I have 1 g.p.m. That was drilled about 30 years ago.

Mr. Astorino: Have you ever had a problem?

John Galiski: I have never had a problem. I am very conservative with my water.

Mr. Astorino: Do you have any storage tanks in your home?

John Galiski: No.

Mr. Astorino: Ok. Do you have anything else?

John Galiski: I wanted to take a look at the plans. I haven't seen the plan. I can't really say anything until I see. I was wondering about the drainage and how it would affect Jessup Road.

Mr. Astorino: We have a map up on the wall. If you have time, you could stop at the Planning office on Tuesdays and Thursdays to look at the plans. The engineers are there those days.

John Galiski: I know that there is a holding pond. I am concerned about the possibility of drainage entering Jessup Road and coming towards our area.

Mr. Astorino: I will give you a quick rundown on the SWPPP that is required by the State. The basic rundown is that no more water will leave the property after it is developed then it is right now. No, it should not affect any one. That is also being reviewed by our Professionals. It has to be reviewed by us to make sure that it is done properly.

John Galiski: Ok. I have no other comments.

Mr. Astorino: Is there anyone else wishing to address the Hampton Hill application?

Glen DeJong: Water is a concern. Our well is 450 feet deep. We have 50 feet of casing. We get 1 g.p.m. We are also very conservative with our water. Water is a major concern. You did tell Mrs. Kobyłowski that there was no guarantee. As a big taxpayer in the Town, I find that hard to accept. I am paying a burden of my income that I work for to pay to live where I live. To get (20) houses in the area to say that there is no guarantee that you will get to keep your

water, what happens when we are out of water? I would then have to bring people in to find water. I do know that our neighbors across the street are down almost 600 feet. One of the neighbors couldn't get water so they hydro-fractured, which caused their neighbors well to collapse. That was why they had to go down 600 feet. The other neighbor had a well behind their house and years ago, they had to relocate it up on top of the hill to get their water. Their well is about 360 feet. Their well runs dry if they leave water running or a toilet running. Years ago, that particular house use to connect to the house next door because they were relatives. Water is definitely a concern. I have another question regarding the stormwater pond. Some of the property will be left to the Audubon Society, but most of it is Federal protected wetlands. They wouldn't be able to do anything with it anyway. How would this pond affect the wetlands? Where my particular lot is, if it does fail, it will come down to my backyard and flood out my septic. That could cause an issue down the road. The Audubon Society that he brought up earlier trails and parking, what do they do with parking when people are visiting. In theory, it is private lands. To me that is a whole other issue to deal with. As you know, there are other developments on board here. The developments are the Fusco Subdivision, Panoramic Farms, and Hampton Hill. You would be talking about over 100 homes being built in a small congested area. We need to consider these other developments that are coming in. They all have to be considered together because they will impact the area that we are talking about. The other thing is that the Town of Warwick has PDR. PDR has spent some money to purchase the Myrusky Farm. It almost seems counterproductive to build every square inch around the Myrusky Farm when we are trying to protect our area. Now, you are going to throw another 100 houses around. I know that PDR is a good thing. I would like to see that continue. In regards to the water test, part of the letter that we allowed them to come onto our property, in the letter it did indicate if you would like the results sent to you, you should say yes. We did say yes. We never received the results. But, that is ok. I wouldn't know how to read it anyway. On a particular test like that, it is a one day 24 hour test. We never had this problem until they built all of those houses here. One day down the road 10 years from now, we will be sitting here saying that we don't have water, but we use to have water. It is a precious resource. It is definitely a drought area. We really need to consider this.

Mr. Astorino: As far as the water testing, this Board is concerned about that. Just from some of the comments from the residents of the area this evening, it seems like a water deficit area. We will look into it further. As far as guarantees, I don't think this Board...or whenever your home or other homes were built in this area that there was a guarantee or that there could be a guarantee. We will do within our best capabilities to make sure as you have heard earlier this evening that we could test before a building permit is issued and we could monitor wells, especially the Kobylowski's well where there was an interconnection. We could go to the greatest extent practical to make sure that won't happen. As far as the stormwater ponds, as far as the parking at the Audubon property, was that ever considered?

John Petroccione: We show the parking on the plan.

Mr. Astorino: They have agreed to that. We will make sure that is set up and done like that. As far as water, that is a big and valid concern. We will look into it.

Mr. McConnell: It is not a concern that is unique to this Town. It is statewide. That was why the State has developed the protocols for doing the testing. It is difficult to know absolutely that there won't be a problem at some time in the future. The Department of Health had devised tests that they feel are good predictors of whether the impact of these houses is going to cause the problem that you are concerned about. You take your best technology, unfortunately if you want a guarantee, it is not to develop anymore. At some point, you wouldn't be here because they wouldn't let your house be built or my house to be built or half the houses here. You go along with the technology that is there and the tests that the experts have devised, and you would make

your best guess. We would love to say that for the rest of your lives you would never have a problem with your water. I don't know anybody who could give that guarantee right now whether they put these houses in or they don't put these houses in. We feel for you. But, we are working with what we have. We are not unsympathetic to the concerns that were expressed. We have heard them before in other developments. We go with the best that we have.

Glen DeJong: I am not here crying sour grapes.

Mr. McConnell: I did not suggest that you were.

Glen DeJong: We can't stop development. I am not saying that I am against development. If I was an owner of some property and wanted to develop it, I could see it. Smart growth is what needs to be considered. I know the Board. I am not questioning that. Obviously, you know that water is a problem.

Mr. Astorino: That is why we have a public hearing. We want to get the public's opinions. It is a good thing. Thank you. Is there anyone else wishing to address Hampton Hill?

Melitta and Ray Tunquist: You have already answered some of our questions. I have a letter that I would like to submit to the Planning Board.

Mr. Astorino: Ok. We have just received a letter from Melitta and Ray Tunquist, dated 2/20/08. The letter is stated as follow:

Dear Mr. Chairman and Board Members:

My name is Ray Tunquist and I reside with my wife, Melitta at Spanktown Road.

We are only concerned with our well and the wells of our neighbors. I think that we must all agree that there are few things more important than an ample supply of good water.

On Aug. 2, 06, I routinely changed our "whole house" water filter and 10 days later the whole system was clogged with mud and silt. Then, I was told 3 or more wells had been drilled near the intersection of Spanktown and Jessup Roads during that time, after a few days of flushing, it cleared up some and I installed a second filter. To this day there seems to be residue down stream from the filters. At the advice of Mr. Astorino, I submitted a written report covering this incident, dated Sept. 25, 2006.

From time to time over the years, we had our water tested; but this time it failed the bacteria test, so we installed an ultra violet light.

In the fall of '07, the well was monitored by S.S.E.C., together with several of our neighbors; but we have received no report as to their findings.

Now may I ask, does Hampton Hill anticipate the need for more wells or do they have sufficient water now? If so, How many wells and where are they located?

If by chance any of our wells suffer an adverse effect from this development, what recourse do we have?

*Sincerely,
Melitta and Ray Tunquist*

Mr. Astorino: Is there anyone else wishing to address Hampton Hill?

Gary Janiak: We are within 3/10th of a mile of this development. So you could put a little note in there, there are already (2) wells on our property. One well will go dry anytime on the property.

Mr. Astorino: Is this on your property.

Gary Janiak: It is on our property.

Mr. Astorino: How deep are the wells?

Gary Janiak: Both of them are over 500 feet.

Mr. Astorino: What are the gallons per minute?

Gary Janiak: I couldn't tell you that. The new one was done about a year ago. That well was about 2.5 g.p.m.

Mr. Astorino: Ok.

Gary Janiak: That is all I have to say.

Mr. Astorino: Thank you. Is there anyone else wishing to address Hampton Hill? Let the record show no further public comment. We have some issues that we need to go over. Do any Board members have any questions?

Mr. Bollenbach: How long do you want to adjourn this to?

Mr. Astorino: Does the Board want to adjourn it to the 4/2/08 Planning Board meeting?

Mr. McConnell makes a motion to adjourn the Hampton Hill public hearing to the April 2, 2008 Planning Board meeting.

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

Mr. Astorino: To the residents that came out to the Hampton Hill public hearing. The next public hearing will be on April 2, 2008. There will be no other notices sent to you. This is your notice.

John Petroccione: Thank you.

PUBLIC HEARING OF Robert Silber

Application for site plan approval and special use permit for the construction and use of Stormwater Management Ponds and cul-de-sac for a Village of Warwick Subdivision, entitled, "*Village View Estates*", situated on tax parcels S 43 B 1 L 3 and S 31 B 2 L 85.2; project situated on the western side of Sleepy Valley Road (Locust Street) at the intersection of Woodside Drive, Village of Warwick, in the SL zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Kirk Rother, Engineer.

Connie Sardo: Mr. Chairman, I have just received the certified mailings for the Village View Estates public hearing.

Mr. Astorino: Thank you.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. Typical road cross-section does not meet Town standards. Provide a typical pavement cross section detail for the cul-de-sac within the Town of Warwick limits.
4. Provide a NY licensed surveyor's name and license number on the Survey Plan.

SWPPP COMMENTS (SWPPP DATED SEPT 2006, REVISED JAN 2008)

5. Access Drives are shown around Detention Ponds A & B, however there is no connection between the Access Drives and any existing or proposed streets. Applicant to discuss.
6. Show a detail for rolled erosion control product (RECP) to be used on 2:1 slopes above ponds A & B. Recommend a particular product "or equal" to be used in this application. Revise the *Slope Stabilization, Seeding Method & Mulching* Notes on sheet 10 for slopes of 4:1 or greater to reflect this change.
7. Provide a signed and sealed copy of the final revised SWPPP.

BEFORE FINAL APPROVAL:

8. Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes.
9. Pay performance bond and construction inspection fee for stormwater management facilities and erosion control.
10. Provide a 3-year Landscape Maintenance Bond for hydric plantings at stormwater management facilities.
11. Pay outstanding review fees.

The following comment submitted by the Conservation Board:

Village View Estates – None Submitted.

The following comment submitted by the ARB, dated 2/20/08:

Village View Estates - Plan indicates a landscaping plan that enhances the stormwater system. It will be important that this be monitored and maintained. This area could have been of greater value to both the Town and the new Village subdivision had the two municipalities been in closer contact during the planning stage. We believe that this is one of the intents of the State

guidelines which require that any municipality within 500 ft. of a new development be notified of the development and of its potential impacts on the neighboring municipality.

Comment # 1: Board to discuss SEQR.

Mr. McConnell: This SEQR comment has been prepared by Mr. Ted Fink, dated 2/20/08: "The Village of Warwick Planning Board is the SEQR Lead Agency on this Site Plan application. The Village Planning Board issued a Positive Declaration on the subdivision application but apparently never circulated to the Town Planning Board for lead agency selection. I have prepared a draft letter from Ben to the Village Planning Board Chairman discussing this issue. If the Board agrees with the contents of the letter, it should be signed and forwarded to the Village. Since SEQR compliance is dependent upon the Village Planning Board, no action can be taken by the Town Planning Board until the Village has adopted a Findings Statement. The Town Planning Board will also need to adopt a Findings Statement prior to taking any action."

Comment #2: Applicant to discuss project.

Kirk Rother: The application that is proposed in front of (2) Boards is for a proposed 28-lot subdivision of approximately 20 acres of land that lies within the Village of Warwick. All of the proposed dwellings, roadways, and associated infrastructures lie on lands in the Village of Warwick. The application that is before the Town of Warwick Planning Board is to allow a temporary cul-de-sac on lands owned by the project's sponsor which lies within the Town of Warwick. We are also looking to place (2) stormwater management ponds on lands lying within the Town of Warwick.

Comment #3: Typical road cross-section does not meet Town standards. Provide a typical pavement cross section detail for the cul-de-sac within the Town of Warwick limits.

Kirk Rother: Ok.

Comment #4: Provide a NY licensed surveyor's name and license number on the Survey Plan.

Kirk Rother: Will do.

SWPPP COMMENTS (SWPPP DATED SEPT 2006, REVISED JAN 2008)

Comment #5: Access Drives are shown around Detention Ponds A & B, however there is no connection between the Access Drives and any existing or proposed streets. Applicant to discuss.

Kirk Rother: We do have that. It is not clear on there. We will clarify that.

Comment #6: Show a detail for rolled erosion control product (RECP) to be used on 2:1 slopes above ponds A & B. Recommend a particular product "or equal" to be used in this application. Revise the *Slope Stabilization, Seeding Method & Mulching* Notes on sheet 10 for slopes of 4:1 or greater to reflect this change.

Kirk Rother: Ok.

Comment #7: Provide a signed and sealed copy of the final revised SWPPP.

Kirk Rother: Will do.

BEFORE FINAL APPROVAL:

Comment #8: Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes.

Kirk Rother: Yes.

Comment #9: Pay performance bond and construction inspection fee for stormwater management facilities and erosion control.

Kirk Rother: Ok.

Comment #10: Provide a 3-year Landscape Maintenance Bond for hydric plantings at stormwater management facilities.

Kirk Rother: Yes.

Comment #11: Pay outstanding review fees.

Kirk Rother; Ok.

Mr. Astorino: We have a comment from the ARB, dated 2/20/08. Do any Board members of Professionals have any comments?

Mr. Bollenbach: Zen, on comment #8, we need to add the SWPPP to the declaration.

Zen Wojcik: Ok.

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

Jim Prendergast: I live on Woodside Drive. I would like you to show me where the ponds are. This is the first time that I am seeing these plans.

Kirk Rother shows the Village View Estates plans to Mr. Prendergast and shows him the location of the ponds.

Jim Prendergast: The problem that I see is that water comes down on the downhill side from this pond. What will happen to the water that comes down?

Kirk Rother: This has been before the Village of Warwick's Planning Board and their engineers for over 2 years. Drainage was an issue that was brought up. There have been concerns of adjoining landowners downstream of this stream on Woodside Drive. They have had some flooding in their yards. When we do the drainage analysis, the total watershed that is going into this stream is around 80 acres. There is 60 acres of land upstream of us that is running through our and into the stream and then onto Woodside Drive. You would logically conclude that we are downhill of these ponds. The ponds should normally be at the bottom of our site. There are in fact some water quality ponds located lower into the site. Most of the detention is being accomplished uphill. We are doing that by capturing the 60 acres upstream of us by putting it into these detentions ponds.

Jim Prendergast: Where is the crest of the hill in relation to the ponds?

Kirk Rother: It is located here on the map.

Bob Morse: I live on Woodside Drive. Looking at the map, water also comes off here. I know that there is water that comes here.

Kirk Rother: There are going to be drainage channels this way into the ponds and around the perimeter.

Bob Morse: I know that it is all swamp in here.

Mr. Astorino: Is that now all wooded out there?

Bob Morse: It is all cedar through this up to the electric wires.

Jim Prendergast: It is thin soil.

Bob Morse: There is a stonewall fence that goes up through this way. That water comes down through here. There are roots showing.

Mr. Astorino: So, you are going to divert the water into these ponds. You will be making a ditch.

Kirk Rother: There is 80 acres into play here. We are looking at 20 acres and change of it. What lies over here on this portion of the site currently runs to an existing stonewall that is on the property line. On that side of the stonewall, there is a good ravine where the water currently runs down.

Bob Morse: There is a road there. That is all washed out right now. That goes right into mine and Jim's property. All of that water comes down over that stonewall fence. My backyard has already had 2 feet of mud in it.

Kirk Rother: We are not proposing to do anything uphill of this ditch. We will not alter this ditch. We won't make it worse. We won't make it better. Along the rear of the lots on Woodside Drive, these folks were at the public hearings in the Village. We are proposing some improvements to this area.

Mr. Astorino: The point of being on top where the detention ponds are, you are going to run a ditch over to the ponds.

Kirk Rother: Right. We are capturing runoff that is uphill of us. We are putting it into these ponds. In that effect, the area of concern is where the stream crosses on Woodside Drive. At that point, we would have to do pre and post development.

Bob Morse: Are they going to change that pipe across the road?

Kirk Rother: No.

Mr. Astorino: The Village is looking at that in their EIS.

Kirk Rother: A full SWPPP has been done.

Mr. Astorino: Ok.

Jim Prendergast: If the ditch was the way to go, how wide and deep would this ditch be?

Kirk Rother: I don't have the SWPPP in front of me. It would be pretty substantial. I would say maybe 8 feet wide 2 feet deep.

Bob Morse: Who would keep that clear?

Kirk Rother: It would be the Village of Warwick DPW.

Jim Prendergast: There is a lot of water that comes off that hill now. You will be taking trees away that absorb water. The water runoff will get worse. I don't know if that ditch will be wide enough. The ponds will help in some respect, but it will not help the situation where we are right now which is at the bottom of the hill.

Mr. Astorino: Did you go to the Village and express your concerns?

Jim Prendergast: No.

Mr. Astorino: This is for the stormwater ponds on the Town's property. Below in the Village area, that is out of our purview. What is coming into the Town, we could look at. But, what is happening below is out of our purview.

Bob Morse: We have been to other meetings. We have tried to explain to them. I know that they will be developing these lots, but over here, this water is coming down that stonewall fence.

Mr. Astorino: We don't have a proposal for that property at all in front of us.

Bob and Jim explain their concerns about the drainage problems that have been going on in the Village area.

Mr. Astorino: Is there anyone else wishing to address the Village View Estates application?

Frank Ridlon: Is the Town getting into the process of breeding mosquitos or something? Every place you go, you want to put in retention ponds.

Mr. Astorino: That is a State mandate.

Frank Ridlon: You could put in the culverts and storm drains.

Mr. Astorino: It would still have to go somewhere.

Frank Ridlon: Right. They should put them down to where it would be out of everyone's way.

Mr. Astorino: I am not sure that is accurate.

Frank Ridlon: He wants to put in retention ponds. There is already a retention pond there. It doesn't do anything.

Mr. Astorino: The Village is reviewing that.

Frank Ridlon: All that a retention pond does is hold a sudden burst of rain. Once it is full, where does the water go? It has to go down the hill. That hill is like a 60-degree grade. In the Village, that road has been washed out 2 or 3 times already. Everybody that lives on Woodside Drive down to Route 94 would be flooded out if they start putting more water in there.

Mr. Astorino: The stormwater pond is not there just to catch heavy rain. It is also a water quality basin.

Frank Ridlon: You are here to protect the homeowners that have property here.

Mr. Astorino: Yes. That is why we are reviewing this and other projects within the Town.

Frank Ridlon: Instead of putting drainage in, everybody puts in these ponds. All a pond is, it is a day's work digging out and dumping in some dirt.

Mr. Astorino: I wouldn't say that is accurate. They are substantial structures that are being constructed now.

Frank Ridlon: They put two down the street already. They are not doing much good.

Mr. Astorino: I can't say what is in or not in the Village. What we review here are substantial structures.

Frank Ridlon: There are springs at the top of that hill now. The only thing that is holding the water back right now is the trees and brush. That is a retention pond there. It slowly lets the water leak down. When you put in a pond, that pond will fill up. All of that water would have to go some place. It would all go downhill.

Mr. Astorino: Zen, these are engineered to the 100-year storm. Is that correct?

Zen Wojcik: Yes.

Frank Ridlon: Yes. That is how the Village gets flooded. It gets flooded with the 100-year storms.

Zen Wojcik: Mr. Ridlon has a point.

Frank Ridlon: I don't really care because I live on top of the hill. I feel sorry for the people that live downhill. I know that one day they will all be flooded out.

Zen Wojcik: All of our analysis are based on statistics. We are the Town. We are at the very beginning of all this. We are looking at what we could do within the Town. I don't know what the Village has done. I know from our experience with the Village many years ago that they have problems. They are trying to work on them. I don't know if this is part of it or not. These gentlemen might know better if they have been going to the Village's meetings.

Jim Prendergast: Has this project been approved by the Village already?

Mr. Astorino: No. As far as notification in the Village, I would check with the Village. You might be out of their radius to be notified. I don't know if the Village has a website where they post stuff. The Town has a website where we post Planning Board meetings and upcoming events. You should contact the Village Mayor or Village Planning Board. They should be able to help you.

Kirk Rother: As far as the Village, this is being done under a Positive Declaration. We did have a Scoping Session in the Village. There was a public hearing. Unlike Town Law, the Village Law does not require certified mailings. It is published in the Newspaper. It is posted on the Village bulletin board. There are no certified mailings. That was why you did not get anything.

Mr. Astorino: Ok. Is there anyone else wishing to address the Village View Estates application?

Jacob Tuckfelt: I have a question concerning sidewalks. What sidewalks have been considered?

Mr. Astorino: That is out of our purview. That is in the Village. We are looking at the stormwater facilities in the Town.

Jacob Tuckfelt: I have a sidewalk concern going into the Town outside the Village on Sleepy Valley Road.

Mr. Astorino: For this project?

Jacob Tuckfelt: Yes.

Mr. Astorino: This project is fully in the Village except for the stormwater facilities. That would be a question directed to the Village. We are not reviewing the subdivision. We are reviewing the stormwater ponds in the Town of Warwick and the temporary cul-de-sac. Whatever they propose, I cannot answer.

Jacob Tuckfelt: A question concerning pedestrians walking from this development up Sleepy Valley, which is Town not Village.

Mr. Astorino: The Town does not have any plans to put in a sidewalk on Sleepy Valley Road.

Kirk Rother: We do have sidewalks throughout our subdivision.

Mr. Astorino: Is there anyone else wishing to address the Village View Estates application?

Mark Tuckfelt: I live on Sleepy Valley Road. I was not aware of any Village review of this. Is the intention to widen the road there?

Kirk Rother: The Village Zoning Ordinance requires 35-foot wide streets in our subdivision. That seemed excessively wide to us. It was also noticed through the review process that Locust Street or Woodside Drive along our frontage is narrow and dangerous. The applicant has agreed to do in exchange for a reduction for the street width inside our subdivision; we would approve all of Locust Street on its entire frontage.

Mark Tuckfelt: Thank you.

Mr. Astorino: Is there anyone else wishing to address Village View Estates application? Let the record show no further public comment. As our SEQR statement pointed out, we have to get a Findings Statement from the Village.

Kirk Rother: We are currently before the Village of Warwick Planning Board. I believe they are close to adopting the FEIS after which they prepare a Findings Statement. I don't know how this works procedurally.

Mr. Bollenbach: The Town Planning Board has not been kept in the loop on this. We do have a draft letter that is going out to the Village.

Kirk Rother: The DEIS was sent to the Planning Board and the Town Board.

Mr. Bollenbach: We have no record.

Mr. Astorino: I have never seen that.

Mr. Bollenbach: I don't think the Village could proceed until the Town Planning Board has the opportunity to review it and respond. It would be up to the Board to adjourn the public hearing either with or without a date.

Mr. Showalter makes a motion to adjourn the Village View Estates public hearing without date.

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

Mr. Astorino: To the residents that came out for the Village View Estates public hearing, you will be re-noticed when this application comes back on for a public hearing.

Kirk Rother: Thank you.

PUBLIC HEARING OF Edward and Mary Jordan

Application for final approval of a proposed 3-Lot cluster subdivision, situated on tax parcel S 55 B 1 L 27.2; parcel located on the southern side of Bellvale Lakes Road at the intersection with Lower Wisner Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Karen Emmerich and Dave Getz from Lehman & Getz Engineering. Benjamin Oster, Attorney.

Connie Sardo: Karen, do you have the certified mailings for the public hearing?

Karen Emmerich: Did Dawn dropped them off to you?

Connie Sardo: No.

Karen Emmerich: We have the certified mailings at the office. I will drop them off to you tomorrow morning.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
 - a. Planning Board Attorney to report on outstanding legal issues.
2. Applicant to discuss project.
3. Complete and submit **Application for Final Subdivision Approval and Minor Subdivision Checklist for Final Approval. Pay Final Plan Submission Application Fee.**

YIELD PLAN (11/18/05, REVISED 2/9/07):

4. No further comments. Board accepts Yield Plan by consensus on March 7, 2007.

CLUSTER PLAN (11/18/05, REVISED 1/22/08):

5. FOR THE RECORD - As verified by the Building Inspector on February 7, 2008, the parcel is in compliance with the "Agreement and Stipulation of Settlement".
6. Common driveway allowable maximum grade is 12%. Proposed road has a 14% grade. The Applicant is requesting a waiver due to topography.
7. At the Jute Mat Detail, note that the RECP shall be SC250 by North American Green or equivalent.

BEFORE FINAL APPROVAL:

8. Applicant to consider an irrevocable offer of right-of-way on Lots 1, 2 and 3 within 25 feet of the centerline of Bellvale Lakes Road. Provide recording information for the right-of-way strip on the plans.
9. Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners and stone cairns set at corners of open space.
10. Provide a copy of the NOI submitted to the NYSDEC.
11. Applicant to provide 9-1-1 addressing.
12. Pay parkland fees.
13. Pay performance bond and construction inspection fee for common driveway, drainage and soil erosion control.
14. Pay outstanding review fees.

WAIVERS & EXEMPTIONS

<i>CODE</i>	<i>ACTIVITY</i>
§164-41.2K(5)	Common Driveway – waiver from maximum 12% grade

The following comment submitted by the Conservation Board:

Edward and Mary Jordan – None Submitted.

The following comment submitted by the ARB, dated 2/20/08:

Edward and Mary Jordan - Again, the islands of open space function more as side yards and buffers from the other homes – making one question whether it has a common value to the community and the definition of clustering, especially in this transitional hamlet/rural area.

What is the historic significance of the existing house that plans indicate will be torn down? What impact will the loss of this structure have on the historic hamlet and on the neighborhood character?

The approval of three residences on one buildable lot for Matthews (above) would allow consideration of retaining and rehabbing the existing home.

Comment #1: Board to discuss SEQR.

Mr. McConnell: This SEQR comment has been prepared by Mr. Ted Fink, dated 2/20/08: “SEQR issues associated with this cluster subdivision application include the potential for impacts on surface water quality, stormwater management, aesthetics (Ridgeline Overlay District), and steep slopes including soil erosion and sediment control. The applicant has provided information to indicate potential impacts and mitigation measures associated with these issues and I have prepared a draft Negative Declaration for the Planning Board’s consideration.”

A. Planning Board Attorney to report on outstanding legal issues.

Mr. Bollenbach: There was a Stipulation that was entered into between the applicant and the Town. Certain conditions of that Stipulation have been complied with so far as vacating one of the apartment dwellings and removing certain kitchen facilities. Also, the property has been cleaned up to the Building Department’s satisfaction. At this time, they could proceed with the Planning Board review.

Comment #2: Applicant to discuss project.

Karen Emmerich: We have a 3-lot cluster subdivision plan. Lot 1, shows the existing dwellings. One of the dwellings will be removed. There are (2) proposed new lots. There is about 5.5 acres of the total 9.8 acres that will be open space.

Comment #3: Complete and submit Application for Final Subdivision Approval and **Minor** Subdivision Checklist for Final Approval. Pay Final Plan Submission Application Fee.

Karen Emmerich: Yes.

YIELD PLAN (11/18/05, REVISED 2/9/07):

Comment #4: No further comments. Board accepts Yield Plan by consensus on March 7, 2007.

CLUSTER PLAN (11/18/05, REVISED 1/22/08):

Comment #5: FOR THE RECORD - As verified by the Building Inspector on February 7, 2008, the parcel is in compliance with the "Agreement and Stipulation of Settlement".

Mr. Astorino: That is what John had just said.

Comment #6: Common driveway allowable maximum grade is 12%. Proposed road has a 14% grade. The Applicant is requesting a waiver due to topography.

Dave Getz: Will do.

Comment #7: At the Jute Mat Detail, note that the RECP shall be SC250 by North American Green or equivalent.

Dave Getz: Will do.

BEFORE FINAL APPROVAL:

Comment #8: Applicant to consider an irrevocable offer of right-of-way on Lots 1, 2 and 3 within 25 feet of the centerline of Bellvale Lakes Road. Provide recording information for the right-of-way strip on the plans.

Mr. Bollenbach: That is a dedication strip.

Comment #9: Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners and stone cairns set at corners of open space.

Dave Getz: Will do.

Comment #10: Provide a copy of the NOI submitted to the NYSDEC.

Dave Getz: Fine.

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

Dave Getz: No problem.

Comment #12: Pay parkland fees.

Dave Getz: Ok.

Comment #13: Pay performance bond and construction inspection fee for common driveway, drainage and soil erosion control.

Mr. Bollenbach: They have landscape screening. Add a comment #15, provide additional landscape screening to the Town Planner's specifications.

Comment #14: Pay outstanding review fees.

Dave Getz: Fine.

WAIVERS & EXEMPTIONS

<i>CODE</i>	<i>ACTIVITY</i>
§164-41.2K(5)	Common Driveway – waiver from maximum 12% grade

Mr. Astorino: We will add a comment #15, provide additional landscape screening to the Town Planner's specifications.

Dave Getz: Fine:

Mr. Singer: John, where is that landscape screening?

Mr. Bollenbach: I believe there was some screening to soften the visual impacts of the 14% common driveway cutting across on the side of the hill. I believe there are other residents in the area that are close to the property line. The Board had discussed screening. The precise locations of the screening is something Ted could provide. The applicant has provided a proposal.

Dave Getz: We will get in touch with Ted.

Mr. Astorino: We received a comment from the ARB, dated 2/20/08:

Mr. Bollenbach: That was precisely the Stipulation that there would be only one dwelling unit on each lot. Each of the (3) lots would only have one dwelling unit.

Benjamin Oster: John, there was also a commitment to remove the 2nd dwelling unit before any building permit could be issued.

Mr. Bollenbach: Correct.

Mr. McConnell: Are you removing the building itself?

Benjamin Oster: The house to be removed has to be removed before a building permit could be issued.

Karen Emmerich: Yes.

Mr. McConnell: It wasn't simply decommissioning it. It was unclear to me.

Benjamin Oster: It is decommissioned, but the new house can't be built... There is a note on the plan that the houses be removed. It is part of the stipulation. That would be a condition to one of the building permits.

Karen Emmerich: It is shown on the plan.

Mr. McConnell: Good.

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

Mr. McConnell: I would have to agree with the ARB that this is one of those cluster subdivisions that I am mystified by. It doesn't seem to me to provide any open space that provides any benefit to the Town.

Mr. Astorino: It is one of those that meet the code requirements.

Mr. McConnell: It meets the requirement, but not the spirit.

Mr. Astorino: We have seen a couple of them. It is what it is.

Mr. Singer: I think when we are reviewing the screening, which are big trees, there should be some consideration given along the Buckbee Farm in the back which is a PDR farm. They will be using chemicals and there will be smells. I think trees would help.

Mr. Astorino: This is a public hearing. Let us get some public comment and see what they have in mind.

Mr. Singer: I see a conflict on the plan in General Not #14. You said that this is not in the Ridgeline Overlay District. Then, you give the requirements of the Ridgeline Overlay District. Which is it? Is it in the Ridgeline Overlay District?

Dave Getz: We are complying with the Ridgeline Overlay District notes. We will clarify that.

Mr. Singer: Ok.

Mr. Astorino: Does the Board have any other comments? This is a public hearing. If there is anyone in the audience wishing to address the Jordan application, please rise and state your name for the record.

Todd Sommer: My questions were around the removal of that existing dwelling. I want to know what checks have been done to make sure that there is no asbestos, shingles, or plumbing insulation. Is there an underground oil tank that has to be removed and filled in? Is there is a septic tank to be removed and filled in? Is the foundation to be removed and filled in up to ground level and planted with seed, etc...

Mr. Astorino: Zen, is there a protocol that they would have to follow through in the Town?

Zen Wojcik: A demolition permit is required from the Building Department. There are certain requirements that are listed on that permit. The Building Inspector generally supervises the demolition. He will come out and take a look at it. Supervise, is not the right word.

Mr. Bollenbach: Zen, maybe you could double check on that and inform the Board at a Work Session.

Zen Wojcik: Sure.

Todd Sommer: Is there some bond that could be taken out?

Zen Wojcik: That would be part of the permit.

Mr. Astorino: It is part of the permit requirement.

Mr. McConnell: It would have to be done before a building permit could be issued.

Mr. Astorino: Right. That would be for any new homes.

Mr. McConnell: It is in their best interest to do it properly.

Todd Sommer: Ok. The mill is to be turned into a single-family house with no accessory apartments. It is to be one contiguous space.

Mr. Astorino: Yes.

Todd Sommer: Ok.

Mr. Astorino: I believe that is in compliance now. Is that correct?

Zen Wojcik: Yes.

Mr. Astorino: That is in compliance with no apartments as of now.

Todd Sommer: So, there is no one living in the mill right now.

Mr. Astorino: I believe there is one family.

Todd Sommer: Correct. What about the white house?

Mr. Bollenbach: It has dwelling unit.

Todd Sommer: Ok. It was my understanding that they could rent one or the other, not both. Is that correct?

Mr. Bollenbach: There is a Stipulation. Currently the way it is, is that each one of those buildings is being occupied by a single-family.

Mr. Astorino: It is not multiple-families.

Todd Sommer: I understand that. I was told by the Building Inspector that it could be either/or, not both could be rented since one was an accessory apartment.

Mr. Astorino: I don't believe that was the case. John, do we have that Stipulation Agreement?

Mr. Bollenbach: Yes.

Mr. Astorino: If you want, you could go to the Planning office to take a look at the Stipulation Agreement.

Todd Sommer: Ok. Thank you.

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

Mike Acedansky: My first question comes from the Town of Warwick Planning Board minutes of 1/18/06. There was a comment made by Karen Emmerich, who from my internet research was a Planning Board member at one time. I would like to read this and get an explanation. In the 1/18/06 Planning Board minutes, Karen Emmerich stated as follow: "We have about a 9.8-acre parcel located on Iron Forge Road. We are proposing to split into 2 lots. Lot 1, does have (2) existing dwellings on it. There is a small home in the front of the property. The rear of the barn has been converted into a residence. We did consider a cluster subdivision for this, but there is no way we could do a conforming yield plan." What has changed between 1/18/06 and to now?

Mr. Astorino: They have done a conforming yield plan. They are removing that house. That house has to come down. That was part of that Stipulation Agreement that you have heard us talk about. I believe there were violations. That was what triggered this project in front of us.

Mike Acedansky: Ok. There is a letter from John Bollenbach, dated 2/8/06. The letter is to the Zoning Board of Appeals and is stated as follow: "The Planning Board objects to the granting of the requested variance. The lot is occupied by a single-family dwelling and an illegal 3-dwelling apartment building. It is already nonconforming. Please see attached the Planning Board minutes and comments." If the front residence is the primary residence, why is the back building staying and the primary building will be coming down if it is an illegal residence?

Mr. Bollenbach: There was a Stipulation that was entered into where temporarily they could have 2-single family dwellings on the property. There would be a triggering mechanism at which time one of the dwellings would have to be abandoned and the main dwelling is to be removed prior to the issuance of a building permit and the construction of a one single-family dwelling on that lot.

Mike Acedansky: Ok. But, this has been an ongoing situation with the illegal apartment. I am confused as to if the applicant are showing good faith and they have to take down a building. Why the building with the illegal apartments is not being taken down and the single-family residence remains?

Mr. Bollenbach: This was a stipulation that was agreed to by the Court. That is as far as I am going to comment on that.

Mike Acedansky: Ok.

Mr. Astorino: But that apartment is no longer.

Mr. Bollenbach: Correct.

Mr. Astorino: It is a single-family dwelling that was inspected by the Building Inspector.

Mike Acedansky: There is a letter, dated 6/12/06 to Honorable Judge Coleman. "This letter is to advise the Court that the Jordan's have complied with the Court's instructions to return the accessory barn to one apartment. An inspection was conducted on June 9, 2006 @ 10:30 a.m. by the Assistant Building Inspector, Wayne Stevens that revealed the stove and the refrigerator had been removed from the 2nd apartment. It should be noted that there is a 2-story wood framed house that is used for a one-family dwelling and an accessory barn with one apartment. We also believe that the Jordan's must live in one of the living areas as we based our decision on the previous owner using the accessory apartment who lived on the site, therefore the apartment is a non-conforming pre-existing use."

Mr. Bollenbach: That is not subject to the current Stipulation.

Mike Acedansky: Who changed this?

Mr. Bollenbach: What date is that?

Mike Acedansky: It is 6/12/06.

Mr. Bollenbach: We just entered into a more recent stipulation which superseded that particular document that you have.

Mike Acedansky: How did the barn become a residence? In the file, there is an email from Zen Wojcik, that states he researched this application in the Tax Assessor's office. According to their records, the property currently contains a single-family house and a building "old chicken coop", which contains 2 or 3 apartments. When we received notification of the original zoning variance, each one was sited as a single-family dwelling and an accessory building. Now, on the tax records there is a 3-bedroom house in the front and a 5-bedroom 3-bath house in the back.

Mr. Astorino: They were illegal structures when they were brought to us. They were in violation for having illegal structures.

Mike Acedansky: When was any of this remedied? I don't understand.

Mr. Bollenbach: The Building Inspector did the report.

Mr. Astorino: That was why they were brought before us to remedy the situation.

Mr. Bollenbach: I believe it was in Tectonic's comments, comment #5 for the record – as verified by the Building Inspector on February 7, 2008, the parcel is in compliance with the "Agreement and Stipulation of Settlement".

Mr. Astorino: So, they were brought into Court.

Mr. Bollenbach: Yes. They are now in compliance with the Stipulation.

Mr. Astorino: The Building Department went after them and served them notice that they were in violation. Between when this started and where we are now, there have been numerous Board appearances.

Mr. Showalter: What you are looking at are earlier documents.

Mr. Astorino: When it was done, I can't answer that.

Mike Acedansky: Don't you need variances to change a house?

Mr. Astorino: That was why they were in violation.

Mr. Bollenbach: That is why they are here now. They are here to fix it.

Mike Acedansky: I am just trying to understand this.

Mr. Astorino: Of course they should have complied. That is the issue. They did not do that. That was why they ended up in Court. That is why there is that Stipulation Agreement.

Mr. McConnell: John, would the Court records provide further illumination of the process of what happened during the time that this gentleman is referring to?

Mr. Bollenbach: I don't believe they write transcripts of it. There is a Stipulation of Settlement which was provided to the Planning Board.

Mr. McConnell: Yes.

Mike Acedansky: I thought a Judge could only impose the law. I didn't think a Judge could rewrite law.

Mr. McConnell: That is not even a question that we could answer.

Mr. Astorino: That is out of our purview.

Mr. Bollenbach: It was "So Ordered".

Mike Acedansky: Ok. If the applicant has shown this "that they weren't following code", what kind of guarantee do we have that they are going to continue to do so? It was my understanding that this cluster development is very restrictive on how much of the land could be covered and trees could be cut down.

Mr. Astorino: There are inspections done by Tectonic as the road goes in. There are inspections by the Building Department when the homes are built. If there are more cuts or fills that are taken in, they would be stopped. There would be a Stop Work Order issued. It doesn't matter what their name is or where the project is located. All the projects are the same. If there is a subdivision going in on the other side of Town, they have to follow the same requirements. They can't just come in, get an approval from us, and feel they could do what they want when they leave here. There are inspections done by Tectonic. There are landscape bonds issued. It has to be proved to us that it is being done properly. If they violate that, they would get a Stop Work Order. There is a procedure that has to be followed. It has taken quite awhile for them to get here to us. I hope they have learned something by that. It is not an easy road to do it. It would have been easier doing it the proper way. We just want to make sure that it is done properly.

Mike Acedansky: Great. I understand that it is not specific to any particular person, but I don't live downstream or downhill from any other project.

Mr. Astorino: I know that. My point is that there are inspections and it has to be done properly.

Mike Acedansky: Ok. Thank you.

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

Kathleen Furey: I live directly across the street from the proposed project. I have (2) concerns. One concern is very general. I have read the Comprehensive Plan of the Town of Warwick. I have learned a lot. I understand that our Town has an interest in preserving agricultural based industries transitioning to a mixed wholesale and direct consumer marketing, wineries, road stands, etc... which the Town thinks encourages the diversity of foreign products. We also want to maintain the character of our Town for these agricultural based businesses. The Comprehensive Plan says that the Town should insure that all of its lands and zoning standards are consistent with the agricultural recommendation of the Comprehensive Plan and not to do anything that would impact these things. As you know, Bellvale Lakes Road and Iron Forge Road has a lot of these types of businesses. We have Bellvale Farms and Iron Forge Inn. We have pumpkin picking. We have the Bellvale Creamery. We have a lot of things that people around here come to look at regarding the agricultural industries. To me, cluster housing, is this what we all meant by clustering housing? I thought cluster housing was to in able the Town to have open spaces so we would continue to enjoy these things in our Town. I live across the street from this. As you know, there is water runoff. We have it now. I don't know what is going to happen. There is always floodwater in front of the house on our street. I like to know about anything that is done. Please don't make any variances in terms of grades of roads or anything that might impact the runoff. It will make a bad situation worse. Secondly, I would like to know exactly where that driveway is coming out. That particular plan doesn't seem to be exact. My house is an L shaped house. This map doesn't seem to show it.

Mr. Astorino: Is your driveway shown on the plan?

Kathleen Furey: My driveway seems to be here. My house continues all the way down here.

Mr. Astorino: Karen, is that the actual location of her driveway and the development's driveway?

Karen Emmerich: The drives come from the O.C. maps. It might not be as accurate.

Mr. Astorino: They are offset.

Mr. Bollenbach: They haven't been field surveyed?

Karen Emmerich: They have not.

Mr. Bollenbach: Maybe they should be located.

Kathleen Furey: My concern is that this plan is not drawn exactly. This is an L shaped house. We have this rectangle here. I don't know what else is off. I want to make sure that road doesn't come directly to my house. I don't want the headlights to come down.

Mr. Astorino: We did have that offset.

Karen Emmerich: We did. We went out there to make sure that it did not come out across from your house.

Mr. Astorino: As far as the waivers for the road, the Planning Board looks at it that we have the ability to waive to a certain degree. We use that ability for the landscape to do less cuts and fills. Sometimes it is better to have another one to two percent more without doing all the heavy equipment work in there to do the cuts and fills. As far as your comment to the cluster plan, we follow the code to the cluster plan. As Dennis had pointed out, it may not be the "best" cluster that is out there, but it does meet the requirements. We look at it as what we could do. Could

there be screening added? You heard us talk about screening on adjoining lands. If we do grant a waiver, it is done not to affect neighbors.

Kathleen Furey: You were saying that you don't want to be an activist board. Is that what you are saying?

Mr. Astorino: No. That is not what we are saying. What we are saying is that we are charged to follow a code that we have that has been designed by the community of this Town, which actually designed the Comprehensive Plan, which we quoted from. Also, there were countless hours that went into the new Zoning Code. Let me stop you, before you say that we are an activist board, no we are not. We like to look at it as we have to follow the code that we have in front of us. We don't make judgments on one area of the Town against another area. We look at every application on a case-by-case basis. We go from there. We do not change the code on a whim.

Kathleen Furey: You said that you don't want to be an activist board.

Mr. McConnell: It is not a consideration.

Mr. Astorino: We can't consider just not doing it for the sake that we don't want to do it or we have an issue with it. It has to meet the requirements. We look at everyone individually. We then go from there.

Kathleen Furey: Ok. Does the Comprehensive Plan have any weight?

Mr. Astorino: Yes. It is involved in everything.

Kathleen Furey: I urge you to think about my initial comments.

Mr. McConnell: The Comprehensive Plan guided the zoning. That is the philosophical background for the zoning.

Mr. Astorino: We don't create law here.

Mr. McConnell: We don't sit and think if we should be an activist board. It is not even a consideration. We have a code that we follow. In your opinion if the code is not following the Comprehensive Plan, there is a mechanism for addressing that, but that is not done here. We don't address those. In fact right now, the Comprehensive Plan is being reviewed. Were you aware of that?

Kathleen Furey: No. I was not aware of that.

Mr. McConnell: It has been in the paper. We have been reviewing it since October. The Comprehensive Plan is being reviewed. It is reviewed every 5 years. Recommendations will be made to the Town Board. Then, the Town Board would consider those recommendations and perhaps change the code if the Comprehensive Plan is being changed.

Kathleen Furey: Would that be done in a timeframe that might impact this?

Mr. McConnell: No. What I am trying to tell you is that those are not decisions that are made up here.

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

Al Buckbee: I live on State School Road. When was the preliminary approval granted for this project?

Mr. Bollenbach: There was no preliminary approval. It was a sketch application. It is a minor subdivision.

Al Buckbee: Was there a consensus done on the yield plan?

Mr. Bollenbach: That was mentioned in comment #4, No further comments. Board accepts yield plan by consensus on 3/7/07.

Al Buckbee: Ok. The Agricultural Protection Overlay District is going to be protected, how?

Mr. Bollenbach: I believe it is not in the AP-O District.

Al Buckbee: It abuts the district on 2 lots.

Mr. Astorino: Are you requesting some screening?

Al Buckbee: I am interested in an interpretation.

Mr. Bollenbach: This parcel is not in the AP-O District. It could be double-checked.

Al Buckbee: I am not saying that it is. I am saying that it touches the AP-O District on two different lots.

Mr. Bollenbach: What lots? Has it been opted into the AP-O or just the AP-O qualifying area?

Al Buckbee: I am just saying that it abuts it.

Mr. Bollenbach: Ok. I will have to take a look at that.

Al Buckbee: I don't know. I think one is Bogdanski. The other one is Buckbee, Section 58.

Mr. Bollenbach: Which lots are you concerned with?

Al Buckbee: That would be lot #3 on this application.

Mr. Bollenbach: Do you have SBL?

Al Buckbee: It would be SBL # 58-1-9 and 58-1-13.2.

Mr. Bollenbach: Ok.

Al Buckbee: Both of those lots are currently in agricultural. I know that the Bogdanski property is. The same goes with Buckbee. What is the interpretation on that?

Mr. Bollenbach: I don't know. I will have to take a look at that.

Al Buckbee: Ok.

Mr. Astorino: Is there a wooded tree line?

Al Buckbee: There are some nice stonewalls going through that area.

Mr. Astorino: Is there some mitigation plantings there or is it wooded?

Al Buckbee: I think it is a concern going out in the future. What is exactly going to be close to those areas? If apple trees were to go in there and you were dealing with spraying. I am talking about herbicides going onto adjacent properties.

Mr. Astorino: Do you mean on your property?

Al Buckbee: No. I am concerned about our property impacting them.

Mr. Astorino: John, wouldn't that fall into the Ag Notes?

Mr. Bollenbach: I am looking for the Ag Notes on the plans. I don't see that on here.

Mr. Astorino: If you do something with your operation, that is your right to have an Ag operation as you see fit. I think there should be Ag Notes.

Mr. Bollenbach: I don't see the Ag Notes.

Al Buckbee: I would think would go on the deeds.

Mr. Astorino: Yes. They would be in the deeds and everything else.

Mr. Bollenbach: Yes. There should be Ag Notes.

Al Buckbee: Ok. Would that be a condition?

Mr. Astorino: Yes.

Mr. Bollenbach: I was just looking at the Bogdanski parcel, correct me if I am wrong, but that is all open space adjoining it.

Karen Emmerich: It is about 135 feet from the house to the property line.

Mr. Bollenbach: Is it from the house to the Bogdanski or to the Buckbee property line?

Karen Emmerich: It is to the Buckbee property.

Mr. Bollenbach: I believe it is a 100-foot minimum requirement. Zen, is that correct?

Zen Wojcik: Yes. It is 100-foot minimum.

Mr. Astorino: It does meet the requirements.

Mr. Bollenbach: That is one thing we could consider for additional map notes that there would be no future development on the parcel that would encroach within that 100-foot area.

Mr. Astorino: Make sure that the Ag Notes are in place.

Mr. Bollenbach: The Ag Notes and the setbacks for the agricultural operations.

Al Buckbee: That there would be no garages, no swimming pool, and etc...

Mr. Bollenbach: Yes.

Mr. Astorino: That would limit the tree clearing also.

Al Buckbee: Ok. Thank you.

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

Mark Malocsay: I live on Bellvale Lakes Road. There was something that was brought up that I am a little confused on. The house that is to be removed, shouldn't the house be removed before the maps are filed?

Mr. Astorino: John, I think there was a stipulation before a building permit is issued. Is that correct?

Mr. Bollenbach: No. One house has to be abandoned prior to the filing of the map. The other house is to be removed prior to the issuance of a building permit.

Mark Malocsay: Here is the reason. It would definitely have to be abandoned, but also removed before the filing of the maps, if you are going to subdivide the property creating the two on a smaller one. You are increasing the degree of non-conformity.

Mr. Bollenbach: No. If a dwelling is abandoned, it is no longer for residential purposes. We are making sure that it would only have one dwelling unit on it. That is what we are trying to accomplish.

Mr. Astorino: Your question is, when will the house be torn down?

Mark Malocsay: Yes. My thing was that it could be done before the filing of the maps as an option. The other thing is that if it is going to be abandoned...

Mr. Bollenbach: In the Stipulation Agreement, condition #5 is stated as follow: "The parties agree that a condition of any final approval of the subdivision shall be that "Existing Dwelling A" be removed and the site restored within 180 days of granting this "conditional final approval." No building permits shall be issued until "Existing Dwelling A" is removed and the final subdivision map has been signed by the Town and filed in the Orange County Clerk's Office."

Mr. Astorino: The bottom line is demolition after 180 days when we make a decision.

Mark Malocsay: Ok. That cleared it up. Regarding the clustering, I was confused. In the purpose of clustering, there are about 11 different things on what clustering is supposed to promote. The biggest one is truly the open space. We know that. According to the maps, they have left a percentage of the property as open space. You have to question it. I think the Board has different views on the open space that is left. Open space in areas that are 10 and 20 feet wide along the property line to me isn't really open space. When you look at the guidelines right in our Zoning as far as the open space, it doesn't show a piece of property outside of a buildable lot that is open space. It generally shows a larger lot and then these other properties around it. I will take it back and say that clustering isn't mandated. It means that someone coming up here and wanted clustering, you could look at it and say that it really doesn't do what clustering allows or promotes. With that, a decision has to be made if they wanted or really benefiting in this cluster subdivision. You say to yourself that there are 3 lots and we have this 50% open space. If there are 2 lots on what is allowed in the zone and you have this open space that isn't called open space anymore, but clearly there is a lot more open space with 2 lots than there is with 3 lots no matter how you look at this.

Mr. McConnell: The difference is that they could put other structures on what you are generically calling open space. With the 3 lots, they couldn't put any other structures on it. One is certainly going to remain as open space and the other is going to potentially remain as open space.

Mr. Astorino: I am not saying that this is the perfect cluster. But, it does fall into the category where it fits the requirement of a cluster. You made a point about the 10 or 20-foot corridor between some strips. Actually, I agreed with you before on that. I have seen some projects that we have done that we actually had them incorporate a strip like that. A 20-foot strip maybe to us is not looking at much, but as we broke it down as a Board, it made a nice wildlife corridor. We had just done it on the Luft project to connect a couple pieces of open space. It made sense. It is going to be a protective piece of property 100 feet long 20 feet wide forever. There is that protective wildlife corridor there. You know that. You work on the ZBA. You would have to look at these on a case-by-case basis. Not everyone is a cookie-cutter. Not everyone is going to look identically the same. We spend a lot of time doing site visits as you do on the ZBA to try to get a feel for this.

Mark Malocsay: There is a question of within the Ridgeline Overlay, if they could start cutting down trees.

Mr. Astorino: They could cut down to a point.

Mark Malocsay: If you look at what they have as far as the spacing of the houses, you are allowed 25 feet around a house for a Ridgeline Overlay. They have that as far as being on the property. That is not in the open space. The issue with the sheds and out buildings as far as accessory structures, they would have to be closer to a building.

Mr. Bollenbach: Mark, they could be within 5 feet of a lot line.

Mark Malocsay: I know that. All I am saying is that they could still put these structures in.

Mr. Bollenbach: They could do that, but not in the open space.

Mr. Astorino: It is protected open space.

Mark Malocsay: Is it truly the intent in clustering that we have in this open space? Even on a 2-lot cluster in my opinion after being on the Comprehensive Plan and helping with the Code, it was never the intent that smaller lots were able to cluster. There isn't the benefit for the open space or the 11 criteria that they have.

Mr. McConnell: The 11 criteria is not the exclusive criteria.

Mark Malocsay: No. They are not.

Mr. McConnell: They are meant to be guidelines. I have struggled with this personally. But most of what you have said here in my opinion it seems to me that if this is really the intent. There is a lot of ambiguity in the Comprehensive Plan and its expression in the Code. Yes, reasonable men could disagree.

Mr. Astorino: Even if you mention the 2 lots, we have had 2-lot clusters. If they border a project that has open space and their open space borders that open space, there is a connectivity there. Whether it is the intent or not the intent, you are on that Comprehensive Plan Review Committee. Once you get your stuff together, you know as well as anyone sitting here, that is a Town Board issue. If they wish to change the code in anyway, your Board has a little more leeway in changing the code. This Board does not. The Board has looked at this project. We have done a site visit. This project has been here for a while. We are well aware of what we are looking at. Your point is well taken.

Mark Malocsay: I bring it up because there are (5) people on this Board. The reason that there are (5) people is to vote. You get different people saying different things. That is why I bring it up. Is it worth what we are going to gain for what it is going to cost us? Thank you.

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

Mr. Bollenbach: Mr. Chairman, under the cluster there are (12) criteria under which (11) criteria the Planning Board could require clustering. The 12th criteria states; it is the applicant's request on lands for approval of a cluster subdivision. That is the case here. It has not been mandated by the Planning Board.

Cecelia Hunter-Fincke: I live off Route 17A. I am concerned in this area, Iron Forge Road. I think everybody knows that is a dangerous road. If you walk on it, as I do with my dog, people speed through there. It is a narrow road. You are talking about putting another road in there. Not only aesthetically adversely affects the area, but it also could be hazardous. My biggest concern is about having to make an acceptance on grade from 14% where it should be 12%. You are talking about a 14% grade. There is definitely a problem with floodwaters. The storm that we had last week, water was still running down through 3 days later tremendously. It is a problem. You are talking about adding to the problem. We purchased our property because of the view. It is a beautiful area behind our property and behind Mr. DiNeen's property. We have a tremendous view towards Sugar Loaf. I know what will happen with what we are talking about with this proposed subdivision. The 3rd lot, the house will be right in my backyard. It doesn't seem to be a necessary thing that we are doing here. I don't see what we are gaining by taking out a tremendous amount of trees. We have Red Fox that live back there. We have all kinds of wildlife. It is the Board's duty to protect the residents that are already established. Our property values will diminish by having a home in my backyard. It will adversely affect a lot of us. I just wanted to make those comments. I don't really have a question. I hope you will consider my comments.

Mr. Astorino: This Board is here to review the plans. There is a Zoning Code in the Town that allows residents and landowners to build under certain guidelines. They would have to meet those guidelines.

Cecelia Hunter-Fincke: I understand.

Mr. Astorino: That is what we are here for. We cannot arbitrarily deny an application for the sheer fact that it is near your property. That is not a criteria. But, if there is an impact, we would address it. As far as the cuts in the road, we could force them to do a 10% or 12% grade. That is not a problem. We look at it as if it would cause more of an adverse impact in cutting the hillside, cutting more trees, retaining walls, etc... That is why we look at the waiver to go up there. We could make them pave it in its entirety. As far as the stormwater, our engineer makes sure there is no problem as far as flooding. We will review it. To run by the book, that is why we have the power to waive a certain requirement to cut more of the hillside down. It doesn't make sense to do that.

Mr. McConnell: We waive when there is a demonstrated benefit. It is not an arbitrary thing or we wouldn't make them do it because it is expensive.

Cecelia Hunter-Fincke: I understand that.

Mr. Astorino: We don't want to cut up a hillside just to put a driveway up there.

Cecelia Hunter-Fincke: I understand that. You did mention that before. We are still talking about clearing out a huge amount of trees.

Mr. Astorino: As far as building the homes, there are certain restrictions in the Ridgeline Overlay District.

Mr. Bollenbach: I am not sure if this is within the Ridgeline Overlay or not. I don't see the elevations on here. A portion of it might be.

Mr. Astorino: They have the notes on there anyway. I don't think there would be a problem in complying with the notes.

Mr. Bollenbach: The thing is if the applicant is willing to comply with the Ridgeline Overlay Notes. The Ridgeline Overlay protection does limit additional clearing and lighting. There are restrictions on types of lighting. There are restrictions on the color and height of the dwellings. There are restrictions on how far they could be moved. They only could be moved 20 feet in any direction on where it is shown on the plans. The visual impacts have to be adequately addressed to minimize any adverse impacts.

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

John DiNeen: I have a question regarding the proposed dwelling. How close could it be to the bordering land?

Mr. Astorino: I believe it is 50 feet from the property line.

John DiNeen: Generally in the overall, it seems more like an encroachment with this cluster.

Mr. Bollenbach: No. It is not 50 feet. What is being proposed is 135 feet, which is much more than what could be done on a conventional layout.

Mr. Astorino: Where is your property and home located?

John DiNeen: On the map, it is located right here.

Karen Emmerich: It is 130 feet to the property line.

John DiNeen: They made reference to open space. If you were to take the actual area in question, they are availing the land that we have, which we left open for the intention of wildlife just like what Cecelia brought up.

Mr. Astorino: Are you talking about your property or their property?

John DiNeen: In general of everybody's property here.

Mr. Astorino: There is a big difference there. It is not everybody's property. Your property is fine. This lot here is not everyone's property just as your property is not everyone's property. On the map, this is all open space here. This will remain forever. You do have a little buffer here. Your property has quite a bit of open space between your lot and this open space area. You don't have much of anything bordering you here. This will be deed restricted open space.

Cecelia Hunter-Fincke: To clarify the matter with the open space, you are saying that they cannot take a tree down here. Is that what you are saying?

Mr. Astorino: They cannot clear-cut. If you see anyone cutting down trees or putting up a shed in the open space, go to the Building Department and they will cite them. It is all deed restricted. Is there anyone else wishing to address the Jordan application?

Mike Acedansky: I have a question about the function of the Planning Board. What is it exactly that you are looking toward? The idea is that there are (3) houses going on this lot. It has been in the newspapers. We have this new tax where we are buying up the Development Rights of individual properties. I thought of this because when Mark was up here talking, he was saying how he feels and thinks. It is emotionally based. Many individuals coming up here are emotional because it affects the value of your property and the view. The whole idea in getting individuals to sell their property rights to the Town is evoking their emotions for their future view of their future generations. We are purchasing this land with money from the sale of our homes.

Mr. Astorino: It also comes from tax dollars that we pay every year. The PDR program is a voluntarily program. We can't force anyone to go into PDR. That is their choice. It is also the Town's choice. This Board's function is as I have pointed out, the property owners and landowners have a right to develop their property in accordance with the Zoning Code. It was done by the same taxpayers that pay for the PDR money. This Board has a Zoning Code that was filed in year 2002 that we go by. It takes into account a lot of these issues that the community wanted. We carry that out. I think we do a good job in doing that. We don't make law here. The other landowner does have the right to do what they have to do within the Town of Warwick Zoning Law. That is our function. Our function is to make sure it is done properly. We spend countless hours on this to make sure it is done properly. The Town Board makes laws. They could change the Zoning Code at any time. That is their call. When that happens, we will

have a new code to work by. Until then, this is what we have to work by. In my opinion, the year 2002 wasn't that long ago to spend so many hours to do this code over.

Mike Acedansky: Just my thought in listening to the other individuals is that I have a question if I have the land to donate to the Town that if someone applied for a subdivision, but they couldn't get a flag lot because they didn't have the frontage, but they could get in on this end and instead of having two homes they would have three homes... Why would I under value my land when someone is overvaluing their land?

Mr. Astorino: You shouldn't under value your land. I think that anyone that accepts a PDR is their right. That is their personal business. That is not for you or me to say. What you feel your property is worth is what you decide to do with it. But, if you want to subdivide a piece of property in this Town, you would have to abide by the Town of Warwick Zoning Regulations. You would have to come before us and go through the process. If you feel that is worth your while, you could do that. That would be your decision. That is not our decision to make. Whoever does PDR, that is their decision.

Mike Acedansky: I was just trying to understand this.

Mr. Astorino: Fine. Is there anyone else wishing to address the Jordan application? Let the record show no further public comment. We have a few issues to look at. We will need to adjourn this public hearing to another meeting.

Mr. McConnell makes a motion to adjourn the Edward and Mary Jordan public hearing to the March 19, 2008 Planning Board meeting.

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

Mr. Astorino: To the residents that came out for the Jordan application, there will be no other mailings sent to us. This public hearing has been adjourned to the March 19, 2008 Planning Board meeting. This is your notice.

Review of Submitted Maps:***HOMARC Land, LLC.***

Application for Site Plan Approval and Special Use Permit for the construction and use of a commercial site plan of a 20,300 square foot office/retail building, situated on tax parcel S 51 B 1 L 5.231; project located on the northern side of NYS Route 94 425± feet east of Warwick Turnpike, in the DS zone, of the Town of Warwick. Previously discussed at the 10/3/07 Planning Board meeting.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Dave Griggs from ERS Consultants. Paul Canterbury, Applicant.

Mr. Bollenbach: Before we start, do you have some signage out on that property?

Paul Canterbury: I was just told about that.

Mr. Bollenbach: Ok.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
 - a. Full EAF.
 - b. A 100-foot wide management area is shown along the wetland delineation. The 300' wide area of special concern along the wetland, as noted by FWS for the Fairgrounds project, is not shown.
2. Applicant to discuss project.
3. Provide a letter report from the delineator supporting the location of the federal jurisdictional wetlands boundary and a jurisdictional determination from the ACOE.
4. Per §164-42F, a marginal access road is shown on the plan. Applicant and Board to discuss.
 - A. The proposed building is setback 20 feet from the proposed marginal access right-of-way where 100 feet is required (§164-42F(3)(b)[3][b][ii]).
 - B. Accessory parking is within the proposed marginal access right-of-way where a 25 foot setback is required (§164-42F(3)(b)[3][b][iii]).
5. A Traffic Report has been prepared for the project.
 - A. The Report includes analyses of AM and PM Peak Hour Traffic for 2007 Existing, Projected 2010 No-Build, and Projected 2010 Build Conditions. Include analyses of weekend peak conditions.
 - B. The Report recommends a left turning lane on Rt. 94 NB. Schematically show how this lane will function considering the existing Rt. 94 SB left turning lane for Shop-Rite and the proposed Rt. 94 NB left turning lane for The Fairgrounds.
 - C. The transmittal letter notes that limited space in the proposed building may be designated for food service. Will there be an effect on the analysis if food service is included in the building?
6. At a previous meeting, the applicant was encouraged to consider sharing parking with the adjacent bowling alley, especially if the peak usage times for each facility are different. The Traffic Report appears to bear out this assumption. Shared parking would minimize the area to be paved and allow for more effective land use. Applicant to report on any progress on this topic.
7. Regarding the well location, place the comments form OCHD review (1/3/08 letter) on the plans as "Wellhead Protection Notes".

8. Applicant has provided a brief note (dated August 23, 2007) from Burton Laux, Soil Scientist, referring to “adjustment needed both to soil boundaries and location”. It is not clear that this is the site Mr. Laux is referencing. Clarify. A sketch of soil boundaries is included and the soils in the vicinity of the proposed absorption field are categorized as CgA soils, a Group IV soil type suitable for septic systems. Is this an “adjusted” boundary? If so, provide a rationale for the adjustment. Mr. Laux also states in his note that “the area across the road may now be wetter than before the road was installed”. If Mr. Laux is referring to this site, is he referring to the area adjacent to Rt. 94, the only road on the site? If so, how does this affect the choice of location for a septic absorption field?
9. The Engineering Report for the Sewage Disposal System calculates 1984GPD wastewater discharge from the proposed building. An expandable wastewater treatment plant (WWTP) is proposed to be built at the adjacent Fairgrounds site. Applicant to consider connection to the proposed WWTP.
10. Provide a landscaping plan showing consistency with the Town’s Design Guidelines.
11. Show the location of a Fire Lane in the parking lot and include with the notice to the Warwick Fire District for their review and comment.
12. Provide architectural drawings as noted in the Site Plan Checklist for the Board’s information and review.
13. Future plans should include information and calculations for site drainage and stormwater management (SWPPP), lighting conforming with §164-43.4, and signage consistent with §164-43.1. Perform perc’s & deeps on the site, witnessed by the Town Engineer, and provide a design for an appropriate sewage disposal system. Provide details for the parking lot pavement, erosion control measures, and a sequence of construction for developing the site.

The following comment submitted by the Conservation Board:

HOMARC Land, LLC. – None Submitted.

The following comment submitted by the ARB, dated 2/20/08:

HOMARC Land, LLC. - The Architectural Review Board would like to see conceptual renderings of the project. Given the impact on this gateway area, it is important that this project compliment with the proposed Fairway project to bring a sense of cohesion to the area.

We would also like further details as to the reason for the broad sidewalk shown towards the road on a project that is basically set back significantly from the road.

We concur that the applicant should attempt to work with the owner of the Bowling Alley to create a better parking design that would be less sprawl and strip oriented on this gateway property.

Further, the ARB would like to obtain from the Town Clerk a copy of the Route 94 South Master Plan in order to provide better advice and guidance to the applicant and the Planning Board.

Comment #1: Board to discuss SEQR.

Mr. McConnell: This SEQR comment has been prepared by Mr. Ted Fink, dated 2/20/08: “The Planning Board is reviewing this application (classified as an Unlisted Action) using a Full Environmental Assessment Form. The applicant has provided an archaeological study of the site and has requested that a copy of such study be forwarded to the State for their review. I am in the process of reading a letter to the State for this purpose. There are several other SEQR issues to be studied including wetlands, endangered species, traffic, stormwater

management, compliance with the Town Design Guidelines among others. We are still defining and accepting information on these issues to ensure the Board takes a “hard look” at the environmental impacts.”

a. Full EAF.

Dave Getz: It has been submitted.

Mr. Astorino: We might have some comments on that.

Dave Getz: Ok.

b. A 100-foot wide management area is shown along the wetland delineation. The 300' wide area of special concern along the wetland, as noted by FWS for the Fairgrounds project, is not shown.

Dave Getz: That is Fish & Wildlife Services. Dave Griggs will elaborate on that.

Dave Griggs: That was brought up with the adjacent project. We will be providing conservation measures similar to the Fairgrounds project.

Mr. Astorino: You want to show the 300-foot special concern areas.

Dave Griggs: Yes. We could show that on there. We could show our conservation areas on there. We will be getting comments from Fish & Wildlife.

Dave Getz: Regarding the Fairgrounds plans, once we went through the review and the modifications required by Fish & Wildlife, we never showed a 300-foot buffer or a maximum area of concern. They agreed with certain mitigation measures that it was the 100-foot area that they were concerned about that there would be no pavement, no pollutants, and various other restrictions.

Mr. McConnell: If you are lucky, they will say the same thing this time.

Dave Getz: Yes. I don't want to commit to them having to show a 300-foot line, if they don't think it is appropriate.

Mr. Astorino: Did we have that on the Fairground's project?

Dave Getz: We had a letter from them.

Zen Wojcik: I think the letter was that there was a 300-foot area of concern. Because of the mitigation measures, the U.S. Fish & Wildlife Service dropped it down to 100 feet.

Mr. Astorino: But, there is no pavement in that 300 feet. Is that correct?

Dave Getz: There is a lot of pavement. We went right up to the 100-foot buffer.

Mr. Astorino: Ok. It was up to the 100-foot buffer. That is something we could work on.

Comment #2: Applicant to discuss project.

Dave Getz: We have submitted a slightly revised plan from the one that you have seen the first time around. It is slightly smaller. It is about 19,000 square feet more or less. It will be a one-story building. The proposed uses are retail/office and a small area for a food service like a deli. It would not be a drive-thru or a fast food establishment. We have given a little more detail this time on the septic system area, stormwater area, and a proposed well location that we ran by the Health Department. We have received a conditional letter stating that of approval that well location is suitable as long as we meet other wellhead protection requirements of theirs. We now show the marginal access road. That was something we did not show the first time around. We show how it could tie in on both sides of the property theoretically. We wanted to come back with a set of plans without all the details to get your feedback before we take the next step in designing all of the detail.

Mr. Singer: I hoping you would get some kind of a sketch of the proposed building sometime soon so that we could be considering that.

Paul Canterbury: That is in progress.

Mr. Bollenbach: We have a comment from the ARB, dated 2/20/08. I will give you a copy of those comments.

Paul Canterbury: It will be a field stone building. It will accommodate the area.

Mr. Singer: You will need to show us something.

Comment #3: Provide a letter report from the delineator supporting the location of the federal jurisdictional wetlands boundary and a jurisdictional determination from the ACOE.

Dave Griggs: We have done the delineation. We will provide a letter and a map. We have submitted that to the ACOE for a JD. We will be waiting for that.

Dave Getz: Our plan has certain mitigation measures consistent with the Fairgrounds project. For example, a curb that would be raised from both sides so that a turtle or a small animal that came out from the wetland direction would be blocked from getting onto the pavement.

Dave Griggs: Right now, this is a Federal wetland. The 100-foot is voluntary. That is for Fish & Wildlife comments. We are basically mimicking what we had done over at the Fairgrounds project. We feel they would be receptive to these conservation measures.

Dave Getz: Regarding the sewage disposal knowing that the wetlands and water quality is a concern because of potential habitat downstream, the applicant has volunteered in putting in an aerobic unit. They would add that into the design of the sewage disposal system.

Mr. Astorino: Why don't you tie into the wastewater plant in the Fairgrounds project?

Dave Getz: That is one of the comments. We would put a note on there that if a public system is available they would have a year to tie in. We have done that on other projects. The status of that is anybody's guess on how soon the Fairground's plan would be approved. It would be approved at a flow that does not include this project.

Mr. Astorino: We are discussing the expandability of that as you well know. Zen, what is the flow on this project.

Zen Wojcik: It is about 1900 gallons per day.

Mr. Astorino: The flow is almost 2000 gallons per day. In my opinion, I think that would be the way to go once it is up and running. I don't know how the Board feels. I don't know if this building is going to go first. I guess that is your point.

Dave Getz: Yes. No one knows that.

Mr. Singer: I was looking at the septic system the way you have it designed coming out of the front of the building and going into a grease pit then running the line back into your pump system. Then after that system, you would pump back out front again.

Dave Getz: Yes.

Mr. Singer: That would be a strange way of doing it.

Dave Getz: The grades drop off toward the back. The pump toward the back made sense from the gravity in that direction. The grease trap is shown toward the front because we anticipate that being the food service area. The grease trap is just needed from a kitchen facility, not from regular bathroom facilities. Those components could be rearranged. It is more of a schematic to show the type of system and the fact that there would be an aerobic system provided. Either way, there would have to be a pump system provided to get to the elevation.

Mr. Singer: After the aerobic system there comes a pump that pumps back out front.

Dave Getz: Yes.

Mr. Singer: That is a long way to travel.

Dave Getz: It is a small pipe. It is not that expensive. It is not uncommon. From a technical point of view, I don't think it is a big deal.

Mr. Singer: If you put a restaurant there in the front, you would need an exhaust system for that. Would that blow out toward Route 94? Would that be a problem?

Mr. Astorino: That could be ducted toward the back.

Paul Canterbury: It is seated for 17 seats out of this 1200 s.f. space. It is something where it could be a Coffee Shop or something very small. It would not be a full fledged restaurant.

Mr. Singer: Have you made that determination already. Wouldn't you take any tenant that comes along?

Paul Canterbury: Right now, there are a lot of offices that want to go into that space.

Comment #4: Per §164-42F, a marginal access road is shown on the plan. Applicant and Board to discuss.

- A. The proposed building is setback 20 feet from the proposed marginal access right-of-way where 100 feet is required (§164-42F(3)(b)[3][b][ii]).

Dave Getz: 100 feet would make the site almost unbuildable. We would put that marginal access road so that it lines up with what is already proposed on the Fairgrounds side.

Mr. Bollenbach: If this is something the applicant proposes to offer to the Town, the Planning Board would have great flexibility in the design of the layout. This is something that could evolve just as long as the applicant has made the commitment for marginal access. The Board has great flexibility to accommodate. They would still have to meet the visual criteria. They would have to work through the process.

- B. Accessory parking is within the proposed marginal access right-of-way where a 25 foot setback is required (§164-42F(3)(b)[3][b][iii]).

Dave Getz: Yes.

Mr. Singer: This marginal access road he has it laid out going partially over a septic field. Is that permissible?

Mr. Bollenbach: We have a marginal access going over at Meadowcrest.

Mr. Singer: I didn't think that was a good idea either.

Mr. Bollenbach: That is the way it has been designed and approved. The one down here at Reagan Boulevard is designed the same way.

Mr. Astorino: That is right under the parking lot.

Dave Getz: This would not be under pavement. It would be within the strip. It is just the expansion area that we are showing.

Comment #5: A Traffic Report has been prepared for the project.

- A. The Report includes analyses of AM and PM Peak Hour Traffic for 2007 Existing, Projected 2010 No-Build, and Projected 2010 Build Conditions. Include analyses of weekend peak conditions.
- B. The Report recommends a left turning lane on Rt. 94 NB. Schematically show how this lane will function considering the existing Rt. 94 SB left turning lane for Shop-Rite and the proposed Rt. 94 NB left turning lane for The Fairgrounds.
- C. The transmittal letter notes that limited space in the proposed building may be designated for food service. Will there be an effect on the analysis if food service is included in the building?

Dave Getz: We have forward these comments to John Collins Engineering. We will clarify those.

Zen Wojcik: Mr. Chairman, comment 5-B would be worth discussing. It almost implies that there would be a widening of Route 94 here.

Dave Getz: I wondered the same thing. John Collins did the Fairgrounds report. They are aware of what is proposed.

Mr. Bollenbach: Did they understand the marginal access component at the time they did this?

Dave Getz: I am not sure.

Mr. Bollenbach: I think that might be a concern. Maybe there might be other mechanisms to handle that flow of traffic at the end of Moe Mountain to have some other access rather than having it as shown. That is what the purpose of a marginal access is. It is to minimize those cuts.

Dave Getz: But the timing of construction of that road on this side with Fairgrounds and Homarc would involve Fish & Wildlife and a lot of approvals that the Town would be involved in pursuing. Is that correct. I know that the Fairgrounds owners have made it clear that they would be happy to dedicate the strip, but they are not responsible for any permits to build the road.

Mr. Bollenbach: Not at this time.

Mr. Astorino: Time will tell.

Comment #6: At a previous meeting, the applicant was encouraged to consider sharing parking with the adjacent bowling alley, especially if the peak usage times for each facility are different. The Traffic Report appears to bear out this assumption. Shared parking would minimize the area to be paved and allow for more effective land use. Applicant to report on any progress on this topic.

Dave Getz: The owners have talked about it.

Paul Canterbury: We will talk to the Bowling Alley if they would want that. There would be a liability situation between one piece of property involved with another one.

Mr. Astorino: You don't even know if he would consider it at this point.

Paul Canterbury: He might not even consider it.

Mr. Astorino: That is yet to be determined.

Dave Getz: Would he have to become a site plan applicant also to enter into that process?

Mr. Astorino: I don't know.

Mr. Bollenbach: That is something we could address. I just want to bring to the Board's attention that there is an understanding between the Bowling Alley and Pennings for that intersection that is across from Moe Mountain. There have been preliminary discussions about that for a marginal access point onto Route 94. That is something that should be pursued so that this marginal access would become something that would become functional.

Paul Canterbury: I understand what you are saying. I don't know when these people are going to be doing anything. I don't know if the Bowling Alley would want to do any improvements.

Mr. Bollenbach: I am saying that it would have to be pursued.

Paul Canterbury: Yes.

Comment #7: Regarding the well location, place the comments from OCHD review (1/3/08 letter) on the plans as "Wellhead Protection Notes".

Dave Getz: Will do.

Comment #8: Applicant has provided a brief note (dated August 23, 2007) from Burton Laux, Soil Scientist, referring to "adjustment needed both to soil boundaries and location". It is not clear that this is the site Mr. Laux is referencing. Clarify. A sketch of soil boundaries is included and the soils in the vicinity of the proposed absorption field are categorized as CgA soils, a Group IV soil type suitable for septic systems. Is this an "adjusted" boundary? If so, provide a rationale for the adjustment. Mr. Laux also states in his note that "the area across the road may now be wetter than before the road was installed". If Mr. Laux is referring to this site, is he referring to the area adjacent to Rt. 94, the only road on the site? If so, how does this affect the choice of location for a septic absorption field?

Dave Getz: We will clarify that.

Mr. Astorino: Are you going to design a fully operational system on this project?

Dave Getz: Yes.

Mr. Astorino: At such time when Fairgrounds gets up and running, you would tie into their wastewater system.

Mr. McConnell: The trouble is that if you don't do that, then they would be at the mercy of Fairgrounds to actually build it.

Mr. Astorino: It seems like a waste.

Mr. McConnell: I agree.

Paul Canterbury: It costs a lot of money. It is costing a lot right now.

Mr. Astorino: I know.

Mr. McConnell: It is one of those things where maybe the two owners could talk and work out some sort of arrangement where the system gets built before Fairgrounds is ready to build. That is private stuff. Let them worry about it.

Mr. Astorino: I agree.

Mr. McConnell: Let them find some way to cut the costs.

Dave Getz: To tie this site into Fairgrounds, you would have to come up through the State R.O.W. or cross wetlands. You would have to deal with Fish & Wildlife and ACOE again.

Mr. McConnell: It is called an annuity.

Mr. Astorino: That is something you should be addressing.

Paul Canterbury: We could always put in a tap off.

Mr. Astorino: Getting those permits at one point will happen. You know that. It has to be done.

Paul Canterbury: If we take care of our drainage and septic and meet all the specifications on our property, why would we need to hook into that system?

Mr. Astorino: That is the point here. We wanted to have a central system out there. That was the point in having the Fairgrounds system expandable. It will be a Town facility.

Mr. Bollenbach: It is something to be worked out.

Comment #9: The Engineering Report for the Sewage Disposal System calculates 1984GPD wastewater discharge from the proposed building. An expandable wastewater treatment plant (WWTP) is proposed to be built at the adjacent Fairgrounds site. Applicant to consider connection to the proposed WWTP.

Dave Getz: Ok.

Comment #10: Provide a landscaping plan showing consistency with the Town's Design Guidelines.

Dave Getz: Ok.

Comment #11: Show the location of a Fire Lane in the parking lot and include with the notice to the Warwick Fire District for their review and comment.

Dave Getz: Ok.

Comment #12: Provide architectural drawings as noted in the Site Plan Checklist for the Board's information and review.

Dave Getz: Ok.

Comment #13: Future plans should include information and calculations for site drainage and stormwater management (SWPPP), lighting conforming with §164-43.4, and signage consistent with §164-43.1. Perform perc's & deeps on the site, witnessed by the Town Engineer, and provide a design for an appropriate sewage disposal system. Provide details for the parking lot pavement, erosion control measures, and a sequence of construction for developing the site.

Dave Getz: Ok.

Paul Canterbury: I don't want Fairgrounds septic being the sewage treatment plant looking to hold us up.

Mr. Astorino: No. My point is that we could proceed this way, that is not a problem. But, if there is a note on the plan that says when that Fairgrounds septic plant is up and running, you would have an x amount of time to tie into it.

Dave Getz: I think the note would say once it is a public facility. Is that right?

Mr. Astorino: Doesn't the Town have to take that over?

Mr. Bollenbach: Yes.

Mr. Astorino: It will be a public facility.

Paul Canterbury: Are they bringing the sewer out to Route 94?

Mr. Bollenbach: That is to be determined. It is premature.

Dave Getz: Ok. We have our homework to do. Thank you.

Oscar Blandi #2

Application for Site Plan for the construction and use of a replacement of a Boathouse Roof with a Deck and Walkway to the new deck located within “A Designated Protection Area” of Greenwood Lake, situated on tax parcel S 74 B 5 L 31; project located on the eastern side of Jersey Avenue, (236 Jersey Ave.), in the SM zone. Previously discussed at the 7/18/07 Planning Board meeting.

Mr. Astorino: We receive a letter from Tom Hitchins, Architect, dated 2/20/08 addressed to the Planning Board. The letter is stated as follow:

Dear Sir:

This is a request to place this application review on the agenda for the next meeting, due to the fact we are unable to attend tonight’s meeting.

Sincerely,

Tom Hitchins, Architect

Kristian and Lee Ann Matthews

Application for Site Plan Approval and Special Use Permit for the construction and use of the conversion of a non-conforming commercial use to a single-family dwelling, -situated on tax parcel S 61 B 1 L 37; project is located on the southern side of NYS Route 17A/210 opposite of the south end of Old Tuxedo Road, in the MT zone, of the Town of Warwick.

Representing the applicant: John Atzl and Vincent Consigli from Atzl, Scatassa & Zigler, P.C.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
 - a. Applicant has received a variance from the ZBA.
3. Provide two copies of the plan for Town submittal for NYSDOT SEQRA review.
4. Dwelling #3 is proposed for conversion to residential use.
 - A. Note the number of proposed bedrooms. Provide a signed and sealed statement by a NYSPE certifying that the septic system has been inspected and is sufficient for the proposed number of bedrooms.
 - B. Perform a 3-day septic dye test, witnessed by the Town Engineer.
 - C. Note the size of the septic tank.
5. Provide a detail for removing the existing parking area for Dwelling #3.
6. Show a detail for the construction of the proposed 4-foot tall stone wall at the proposed parking area.
7. Existing driveway will serve three residences. Show modifications to driveway to meet Town's common driveway or private road standards.
8. No existing or proposed well is shown in the vicinity of Dwelling #3. Water supply is noted as "individual private well". Applicant to discuss. A well is shown in the driveway at Dwelling #1 – applicant to discuss.
9. Full text of ZBA variance shall be placed on the plan.
10. Provide name and address of owner/applicant on plan.
11. Note 6 states that the speed limit on Rts 17A & 210 is 30mph; a speed limit of 55mph is noted on the plan. Clarify. 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.
12. Add note stating: "No site preparation or construction, including utility connections, shall commence before a valid highway entrance permit has been secured from the New York State Department of Transportation."
13. At the excavation for the proposed parking area, provide erosion control measures on the plan consistent with the current "NYS Standards and Specifications for Erosion & Sediment Control" and include details.
14. Provide 9-1-1 addressing for all dwellings on plan.
15. Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes.

The following comment submitted by the Conservation Board, dated 2/20/08:

Kristian and Lee Ann Matthews – None submitted.

The following comment submitted by the ARB, dated 2/20/08:

Kristian and Lee Ann Matthews – No comment.

Comment #1: Board to discuss SEQR.

Mr. McConnell: This SEQR comment has been prepared by Mr. Ted Fink, dated 2/20/08: “This is an Unlisted Action and there are no other Involved Agencies. A draft Lead Agency resolution has been prepared for the Board’s consideration.”

Mr. Kowal makes a motion for Lead Agency.

Seconded by Mr. Singer. 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: Matthews Building Conversion

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan application by Kristian and Lee Ann Matthews for a ± 4.4 acre parcel of land located at Route 17A & 210 at Old Tuxedo Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 1/18/08 was submitted at the time of application, and

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

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

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

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

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

Comment #2: Applicant to discuss project.

- a. Applicant has received a variance from the ZBA.

John Atzl: I believe the Board is familiar with this site. We have been to the ZBA. We have received our variance for a special permit. One of the requirements of that variance that was issued by the ZBA that we obtain a special permit and site plan approval by the Planning Board. What we are proposing to do on the north side of dwelling #3 there is a parking area that we wish to remove. We wish to relocate it to the southwest corner of the lot. It is shown as a gravel parking area with a retaining wall around it. That is the only disturbance that we are proposing for the site. The existing driveway will remain. We will address the other comments as we go.

Comment #3: Provide two copies of the plan for Town submittal for NYSDOT SEQRA review.

John Atzl: No problem.

Comment #4: Dwelling #3 is proposed for conversion to residential use.

- A. Note the number of proposed bedrooms. Provide a signed and sealed statement by a NYSPE certifying that the septic system has been inspected and is sufficient for the proposed number of bedrooms.

John Atzl: No problem with any notes. The applicant might consider replacing the septic for building #3.

Mr. Astorino: That is yet to be determined.

- B. Perform a 3-day septic dye test, witnessed by the Town Engineer.

John Atzl: No problem.

- C. Note the size of the septic tank.

John Atzl: No problem.

Comment #5: Provide a detail for removing the existing parking area for Dwelling #3.

John Atzl: No problem.

Comment #6: Show a detail for the construction of the proposed 4-foot tall stone wall at the proposed parking area.

John Atzl: No problem.

Comment #7: Existing driveway will serve three residences. Show modifications to driveway to meet Town's common driveway or private road standards.

John Atzl: That might be a problem. This is an existing driveway. We propose no changes to the existing driveway. The new driveway that we are installing will conform to the Town's standards.

Mr. Astorino: Zen, is it because they are adding another residence on this driveway?

Zen Wojcik: Yes.

Mr. Bollenbach: That is one of the requirements. Take a look at it. See if it has to be updated regarding the drainage. The Board could grant waivers if necessary for the width of it. It would have to be paved.

Zen Wojcik: This is also something we need to see after the DOT has a chance to take a look at it. My conversation with them was that they were a little skeptical about (2) entrances onto the same driveway.

John Atzl: No problem.

Comment #8: No existing or proposed well is shown in the vicinity of Dwelling #3. Water supply is noted as "individual private well". Applicant to discuss. A well is shown in the driveway at Dwelling #1 – applicant to discuss.

John Atzl: The well that is in the driveway services dwelling 1. The well that is shown in the vicinity of dwelling 2 serves as 2 and 3, which is down the hill. We will note that on the plan.

Comment #9: Full text of ZBA variance shall be placed on the plan.

John Atzl: No problem.

Comment #10: Provide name and address of owner/applicant on plan.

John Atzl: It is there. It is below the vicinity map.

Comment #11: Note 6 states that the speed limit on Rts. 17A & 210 is 30mph; a speed limit of 55mph is noted on the plan. Clarify. 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.

John Atzl: No problem. We will provide that. Both of those speed limits are wrong.

Comment #12: Add note stating: "No site preparation or construction, including utility connections, shall commence before a valid highway entrance permit has been secured from the New York State Department of Transportation."

John Atzl: No problem.

Comment #13: At the excavation for the proposed parking area, provide erosion control measures on the plan consistent with the current "NYS Standards and Specifications for Erosion & Sediment Control" and include details.

John Atzl: No problem.

Comment #14: Provide 9-1-1 addressing for all dwellings on plan.

John Atzl: We will send it to 911.

Comment #15: Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes.

John Atzl: We will provide.

Mr. Bollenbach: This application still has to go to DOT.

John Atzl: Ok. Thank you.

Other Considerations:

Correspondences:

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. Singer makes a motion to adjourn the February 20, 2008 Planning Board meeting.

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