

TOWN OF WARWICK PLANNING BOARD

March 3, 2010

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, March 3, 2010 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

PUBLIC HEARING OF Anthony and Sumira Mazza

Application for Final Approval of a proposed 2-Lot subdivision, situated on tax parcel S 29 B 1 L 36; parcel located on the northwesterly side of Pine Island Turnpike 500 feet northwest of Jessup Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: John McGloin, PLS.

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

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

- 1 Planning Board to discuss SEQRA.
- 2 Applicant to discuss project.
- 3 Sheet 3, Drilled Well Detail, Note 13 refers to a Rural Water Supply publication from NYSDOH. This publication has been superseded by NYSDOH Parts 5b and 5d. This note should be updated.
- 4 The proposed subdivision lines and the existing boundary lines appear the same on the drawing; a different line type should be used to distinguish proposed from existing lines.
- 5 The Applicant must shown all wells and septic systems within 200-ft of the subdivision or a note should be added to the plan stating that there are no wells or septic systems within 200-ft of the property.

- 6 A note should be added to the plan stating that if the existing septic system on Lot 1 fails that the system will not be replaced in its current location; a new septic system designed in accordance with all applicable standards, including separation distances, soil conditions, appropriate water usage (i.e., if an older home without water saving devices 150gpd/bedroom should be used), etc. shall be located on the lot.
- 7 The well to be installed on Lot 2 should use a minimum of 100-ft of casing and grouting.
- 8 The declaration information for the Agricultural Notes will need to be shown on the drawing.
- 9 Surveyor to certify that iron rods have been set at all property corners.
- 10 Payment of all fees.
- 11 Any existing wells or new wells drilled associated with this subdivision must be tested annually for sodium and chloride at the expense of the land owner. All results must be provided to the Building Department each year.

The following comment submitted by the Conservation Board, dated 3/3/10:

Anthony and Sumira Mazza – CB has no comments on this 2-Lot subdivision.

The following comment submitted by the ARB:

Anthony and Sumira Mazza – None submitted.

- 1 Planning Board to discuss SEQRA.

Mr. Astorino: Mr. Ted Fink is not here this evening. We have a Negative Declaration in our packets prepared by Mr. Ted Fink.

- 2 Applicant to discuss project.

John McGloin: The Mazza's have 2 existing structures on one piece of property that contains approximately 4.5 acres. They received a ZBA variance to subdivide the property into two 2.25± acres lots separating the existing structures.

- 3 Sheet 3, Drilled Well Detail, Note 13 refers to a Rural Water Supply publication from NYSDOH. This publication has been superseded by NYSDOH Parts 5b and 5d. This note should be updated.

John McGloin: No problem.

- 4 The proposed subdivision lines and the existing boundary lines appear the same on the drawing; a different line type should be used to distinguish proposed from existing lines.

John McGloin: We could do that.

- 5 The Applicant must shown all wells and septic systems within 200-ft of the subdivision or a note should be added to the plan stating that there are no wells or septic systems within 200-ft of the property.

John McGloin: Ok.

Mr. Bollenbach: John, are there wells and septic within 200 feet to your knowledge?

John McGloin: Not at the proposed well.

Mr. Bollenbach: Ok.

John McGloin: There is nothing within 200 feet of the proposed well location. That could be put on there. That would be no problem. The only thing we are proposing is a well.

Mr. Bollenbach: Ok.

Mr. McConnell: What about within 200 feet of the property? That is what this note says. It says of the property not at the proposed well.

John McGloin: I agree with you. But, the only relevance is within 200 feet of the proposed well.

Mr. McConnell: Do you know if there are any existing wells or septic within 200 feet of the property?

John McGloin: Could I tell you that positively? There probably is across the street. But, we are 300 feet away from the road.

Mr. McConnell: It still needs to be shown.

Mr. Bollenbach: The proposed well site is what the requirement is related to.

Mr. McConnell: But, since this site might need to move a well from where it is proposed, I think that is the purpose of requiring that it be shown 200 feet from the property. Is it a hardship to show it?

John McGloin: No.

Mr. McConnell: Ok.

John McGloin: It could be done. You asked me a question. I just can't tell you specifically yes or no.

Mr. McConnell: Ok.

John McGloin: It will not be a problem.

- 6 A note should be added to the plan stating that if the existing septic system on Lot 1 fails that the system will not be replaced in its current location; a new septic system designed in accordance with all applicable standards, including separation distances, soil conditions, appropriate water usage (i.e., if an older home without water saving devices 150gpd/bedroom should be used), etc. shall be located on the lot.

John McGloin: We could put that notation on there.

- 7 The well to be installed on Lot 2 should use a minimum of 100-ft of casing and grouting.

John McGloin: Ok. We have a detail showing 40 feet. I discussed it with Laura. We will be happy to change that to a 100-foot minimum.

Mr. Astorino: Ok.

- 8 The declaration information for the Agricultural Notes will need to be shown on the drawing.

John McGloin: Ok.

- 9 Surveyor to certify that iron rods have been set at all property corners.

John McGloin: Yes.

- 10 Payment of all fees.

John McGloin: Ok.

- 11 Any existing wells or new wells drilled associated with this subdivision must be tested annually for sodium and chloride at the expense of the land owner. All results must be provided to the Building Department each year.

John McGloin: Ok. Do we want that notation form on the drawings?

Mr. Bollenbach: Yes. Just a notation on the drawing will be fine.

Laura Barca: Yes.

John McGloin: Ok.

Mr. Bollenbach: We will need to add a comment #12 to make a distinction from comment #10. Comment #12, Payment of Parkland Fees. They will be creating an additional lot.

Mr. Astorino: Ok. We will add a comment #12, payment of parkland fees.

Mr. Singer: Mr. Chairman, in reference to comment #11, my comfort level with that is not at where it should be. It states to have the landowner send a report to the Building Department once a year. The Building Department is not set up for that. What happens if they don't send it in? Then, the Building Department would have to take them to court and fine them for not sending in a report that their own well has been tested. We never had anyone that had to test their own private well every year and send a report to the Town. It has nothing to do with the Town. I think a better way of handling that would be to put it into the deed that the well should be tested every year, not shall. It should be tested every year as the position of the Planning Board. It has nothing to do with the Building Department.

Mr. Showalter: I think the County should test it for him because of the County's salt into the ground.

John McGloin: They would not do that.

Mr. Astorino: I think this note #11 is to reference that there could be a potential chloride problem.

Mr. Bollenbach: Why don't we have note #11 put on the map, but have it also say that any existing wells should be tested annually for sodium chloride.

Mr. Singer: As long as you use the word should not shall.

Mr. Bollenbach: We will put the word should. We could strike that second portion of note #11.

Mr. Astorino: Yes. I think it is just to let them know that the Planning Board is aware that there could be a potential sodium and chloride problem there.

Mr. McConnell: My concern there is, are you providing adequate notice to a subsequent purchaser?

Nr'

Mr. Singer: Let us go further on that and say, anytime the property is sold, it should be tested for salt.

Mr. McConnell: Someone looking at the map that might be looking to purchase the property might assume that it has been done. We would have no way of knowing whether it had been done if we don't require it to be submitted to the Building Department. We need to go a step further to provide notice to a subsequent purchaser. John, could you craft something to assure that would happen?

John McGloin: In the General Notes on the map, General note #9 the second part pertains to the proposed well. General Note #9 is stated as follow; "*It should be tested for salt content and the water should be treated appropriately.*" I don't know if you want to go further than that. The problem is requiring somebody to do something when there are C of O's and when the structures are already occupied, all I think you could really do is put the owner on notice by putting a map note on.

Mr. McConnell: How about if the map note said that the results of any such tests should be made available to someone asking like a purchaser?

Mr. Astorino: If you don't know the levels the results would be meaningless.

Mr. McConnell: Let's back up. We have a concern here because we know that there is a situation. We are looking to protect people.

Mr. Astorino: At least put them on notice.

Mr. McConnell: Yes. At least put them on notice.

Mr. Astorino: That was Carl's point.

Mr. McConnell: Yes. I agree with him.

Mr. Singer: I think it would be better if it were put into the deed rather than a map note. People don't see this map when they purchase the property.

Mr. Astorino: They should.

Mr. Singer: They don't.

Mr. Astorino: John, do you want to work something out?

Mr. Bollenbach: Ok. They could provide a declaration.

Mr. Astorino: Is that what the Board wants?

Mr. McConnell: Yes.

Mr. Astorino: Is the Board comfortable with that? Ok. That will be good.

Mr. Bollenbach: It should be tested as provided in declaration.

Mr. Astorino: You have to provide a declaration for the Agricultural Notes. You will need to throw one in there for the well.

John McGloin: All right. I will talk to John about it. We will try to come up with something that would put the property owner on notice that they should test for chlorides on an annual basis and treat the water appropriately. It would be something to that effect.

Mr. Bollenbach: Yes.

John McGloin: You can't tell someone to put a water softener in there. Then, you would be telling them to put salt in the water.

Mr. Astorino: No. You cannot. You are right. That is a valid point.

John McGloin: Ok.

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

Anthony Mazza: I am the owner of the property. I hear you talking. I am in agreement with it as far as the salt and everything goes. All that I would ask is that level of detail wasn't brought forth to me when I bought the property. I wasn't aware of the salt problem. I did test it. There was a note on the map that showed that. In fairness to me and to other buyers, I would appreciate if the note could be stated the same way that it was when I bought the property. If you feel stronger than that, if the properties across the street and all of the properties behind me were made aware the way that you are asking for it to be done to me, then I would sit down and accept it. I guess I really have no choice at the end of the day. I would like to be treated the same way as the rest of the people who built behind and in front of me. I have no problems with the comments being on the map. Just treat me equally. I don't know what those results are. I would be happy to accept whatever they are. I just want the same treatment as the houses across the street and the homes that are behind me. Whatever it may be? That is all I ask for.

Mr. Astorino: The only issue is to provide a note that it should be tested. It would not be a big deal.

Anthony Mazza: I agree. If it would be a notation above and beyond of what was required by anybody else who built around there, I don't know what those requirements were. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Anthony and Sumira Mazza application? Let the record show no further public comment.

Mr. Showalter makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: Mazza Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed two lot subdivision by Anthony & Sumira Mazza, Town of Warwick, Orange County, New York, and

Whereas, there are no other involved agencies pursuant to SEQR, and

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 7/18/08, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

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

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

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

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

Mr. Showalter makes a motion on the Anthony and Sumira Mazza application, granting final approval for a proposed 2-Lot subdivision, situated on tax parcel S 29 B 1 L 36; parcel located on the northwesterly side of Pine Island Turnpike 500 feet northwest of Jessup Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on March 3, 2010. Approval is granted subject to the following conditions:

1. Sheet 3, Drilled Well Detail, Note 13 refers to a Rural Water Supply publication from NYSDOH. This publication has been superseded by NYSDOH Parts 5b and 5d. This note should be updated.
2. The proposed subdivision lines and the existing boundary lines appear the same on the drawing; a different line type should be used to distinguish proposed from existing lines.

3. The Applicant must shown all wells and septic systems within 200-ft of the subdivision or a note should be added to the plan stating that there are no wells or septic systems within 200-ft of the property.
4. A note should be added to the plan stating that if the existing septic system on Lot 1 fails that the system will not be replaced in its current location; a new septic system designed in accordance with all applicable standards, including separation distances, soil conditions, appropriate water usage (i.e., if an older home without water saving devices 150gpd/bedroom should be used), etc. shall be located on the lot.
5. The well to be installed on Lot 2 should use a minimum of 100-ft of casing and grouting.
6. The declaration information for the Agricultural Notes will need to be shown on the drawing.
7. Surveyor to certify that iron rods have been set at all property corners.
8. Payment of all fees.
9. Any existing wells or new wells drilled associated with this subdivision should be tested annually for sodium and chloride at the expense of the land owner. Provide declaration with map note.
10. Payment of Parkland Fees.

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

John McGloin: Thank you.

Review of Submitted Maps:***Ted Edwards Subdivision #3***

Application for Sketch Plat Review of a proposed 3-Lot (**MINOR**) Subdivision + 2-Lot Line Changes, situated on tax parcels S 26 B 1 L 67.1, 67.22, & 30; parcels located on the eastern side of Newport Bridge Road 1000± feet south of Prices Switch Road intersection, in the RU zone, of the Town of Warwick.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Ted Edwards, Applicant.

The following review comments submitted by HDR:

- 1 Planning Board to discuss SEQRA.
- 2 Applicant to discuss project.
- 3 A letter report describing the soils found within the inclusion of suitable soils, providing information necessary to explain the engineer's opinion. The report shall be signed and sealed by the Applicant's Engineer and submitted to the Planning Board Engineer along with the plans. This letter report has not been submitted.
- 4 Add a note to the plans referencing the Town Board Resolution and Resolution Number.
- 5 The declaration information for the Agricultural Notes will need to be shown on the drawing.
- 6 Surveyor to certify that iron rods have been set at all property corners.
- 7 Payment of all fees.

The following comment submitted by the Conservation Board, dated 3/3/10:

Ted Edwards Subdivision #3 – The CB has no comments on this 3-Lot subdivision.

The following comment submitted by the ARB:

Ted Edwards Subdivision #3 – None submitted.

- 1 Planning Board to discuss SEQRA.

Mr. McConnell: As per Ted Fink, he had stated that this application is an Unlisted Action. The applicant has submitted a short EAF.

- 2 Applicant to discuss project.

Dave Getz: Since our last appearance, the plan itself has not changed significantly. Overall, it is approximately a 29-acre property with 2 new lots proposed. One of the lots fall under the Town's AP-O Guidelines. That lot could be a 2-acre lot under the old Zoning. The other lot, lot #1 is a proposed 4-acre lot. The balance of the property would remain unchanged. Since we were last here, the Town Board approved a resolution which approved the use of the property into the AP-O District.

- 3 A letter report describing the soils found within the inclusion of suitable soils, providing information necessary to explain the engineer's opinion. The report shall be signed and sealed by the Applicant's Engineer and submitted to the Planning Board Engineer along with the plans. This letter report has not been submitted.

Dave Getz: We submitted that earlier this week.

Laura Barca: Yes. I received that yesterday.

Mr. Astorino: Did you get a chance to review that?

Laura Barca: I looked at it. It is fine.

Mr. Astorino: Ok.

- 4 Add a note to the plans referencing the Town Board Resolution and Resolution Number.

Dave Getz: We will do that.

- 5 The declaration information for the Agricultural Notes will need to be shown on the drawing.

Dave Getz: Ok.

- 6 Surveyor to certify that iron rods have been set at all property corners.

Dave Getz: Ok.

7 Payment of all fees.

Dave Getz: Ok.

Mr. Bollenbach: We will need to add a comment #8. Comment #8, Payment of Parkland Fees.

Dave Getz: Ok.

Mr. Astorino: Does the Board or Professionals have anything further?

Mr. McConnell: Mr. Chairman, would this be subject to further subdivision? Or, are we going to discuss that at some point?

Mr. Astorino: We could discuss that.

Dave Getz: We would like to leave that option available.

Mr. McConnell: Ok.

Mr. Astorino: Ok. Laura, do we have any problem with setting this application for a public hearing at the next available agenda?

Laura Barca: I have no problem with that.

Mr. McConnell makes a motion to set the Ted Edwards Subdivision # 3 for a Final Public Hearing at the next available agenda.

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

Dave Getz: Thank you.

Stephen and Kelly Helmrich

Application for Final Approval of a proposed 2-Lot (Minor) subdivision, situated on tax parcel S 12 B 4 L 50; parcel located on the northerly side of Little Brooklyn Road 1200 feet westerly of Little York Road, in the SM zone, of the Town of Warwick. Previously discussed at the 8/5/09 PB meeting.

Representing the applicant: John McGloin, PLS.

The following review comments submitted by HDR:

- 1 Planning Board to discuss SEQRA.
- 2 Applicant to discuss project.
- 3 The proposed subdivision lines and the existing boundary lines appear the same of the drawing; a different line type should be used to distinguish proposed from existing lines.
- 4 The rear setback line appears to be 45-ft instead of the required setback distance.
- 5 According to use group "s", the rear setback distance is 30-ft, not 50-ft as presented in the bulk table on Sheet 1.
- 6 The allowable lot coverage is 30%; this should be included in the bulk table.
- 7 The Applicant states that he submitted a drawing showing the square rule; I was not able to locate this drawing.
- 8 Is the driveway intended to remain open to both homes as a result of this subdivision via a cross-lot easement or is some sort of separation (i.e., grassed or landscaped area) proposed?
- 9 Will the site distance increase to 300-ft if the two trees at the driveway entrance way are removed? (Sheet 1, Note 13). According to §137 Appendix F, Section B, a site distance of 300-ft is required for a speed limit of 30 mph. A site inspection may be necessary to confirm site distance.
- 10 The soils test data should be shown on the drawing, including the date of the testing and who was present to witness the testing.
- 11 The existing septic system and existing well on Lot 1 are not separated by the proper separation distance. A dye test shall be performed on this system.
- 12 The existing septic system and existing well on Lot 1 are no separated by the proper separation distance. This well shall be tested for Coliform and E.Coli.
- 13 In accordance with §A168-19.C. the driveway pavement shall extend a minimum of 25-ft from the edge of the roadway pavement. A note shall be added to the plan stating this requirement.
- 14 The declaration information for the Agricultural Notes will need to be shown on the drawing.
- 15 A legal description for the dedication strip to the Town for highway purposes will need to be submitted.
- 16 Surveyor to certify that iron rods have been set at all property corners.
- 17 Payment of all fees.

The following comment submitted by the Conservation Board, dated 3/3/10:

Stephen and Kelly Helmrich - CB supports preservation of existing trees. Elevate to insure good line of sight.

The following comment submitted by the ARB:

Stephen and Kelly Helmrich – None submitted.

- 1 Planning Board to discuss SEQRA.

Mr. McConnell: As per Ted Fink, he had stated that this application is an Unlisted Action. A short EAF has been submitted to the Planning Board.

- 2 Applicant to discuss project.

John McGloin: Mr. Helmrich proposes to cut his property in half. He wants to put the existing dwelling, well, and septic on one lot. There will be a proposed dwelling, well, and septic on the second lot.

- 3 The proposed subdivision lines and the existing boundary lines appear the same of the drawing; a different line type should be used to distinguish proposed from existing lines.

John McGloin: We could do that.

- 4 The rear setback line appears to be 45-ft instead of the required setback distance.

John McGloin: We will correct that.

- 5 According to use group “s”, the rear setback distance is 30-ft, not 50-ft as presented in the bulk table on Sheet 1.

John McGloin: We will correct that.

- 6 The allowable lot coverage is 30%; this should be included in the bulk table.

John McGloin: Ok.

- 7 The Applicant states that he submitted a drawing showing the square rule; I was not able to locate this drawing.

Laura Barca: I found the drawing. It is acceptable. It is fine.

Mr. Astorino: Ok. We could strike comment #7.

- 8 Is the driveway intended to remain open to both homes as a result of this subdivision via a cross-lot easement or is some sort of separation (i.e., grassed or landscaped area) proposed?

John McGloin: We will separate it. I will show it on the drawing hatched. That portion of the driveway between the proposed dwelling and slightly over the boundary line about 10 feet or so would be topsoiled and seeded. They will be separate.

Mr. Astorino: Would you show that on the map?

John McGloin: Yes.

Laura Barca: Are there any trees proposed or would it just be seeding?

John McGloin: It would just be seeded.

Laura Barca: Ok.

- 9 Will the site distance increase to 300-ft if the two trees at the driveway entrance way are removed? (Sheet 1, Note 13). According to §137 Appendix F, Section B, a site distance of 300-ft is required for a speed limit of 30 mph. A site inspection may be necessary to confirm site distance.

Mr. Astorino: Russ, you sent us some picture of this. Is that correct?

Mr. Kowal: Yes. From the way it looked to me, the trees were set back far off from the road. If there is any issue with sight distance, I think they could be trimmed back.

John McGloin: I looked at that today. Those trees are in the way if you are sitting in a car. It could be corrected by trimming them up.

Mr. Astorino: Why don't we do that?

John McGloin: That would be no problem.

Mr. Bollenbach: That would be similar to the comment from the Conservation Board that we have dated 3/3/10 for the record. Elevation would mean trimming the lower branches.

Mr. Astorino: Ok. Russ, thank you for that.

- 10 The soils test data should be shown on the drawing, including the date of the testing and who was present to witness the testing.

John McGloin: Ok.

- 11 The existing septic system and existing well on Lot 1 are not separated by the proper separation distance. A dye test shall be performed on this system.

John McGloin: We could do that.

- 12 The existing septic system and existing well on Lot 1 are no separated by the proper separation distance. This well shall be tested for Coliform and E.Coli.

John McGloin: We will do those tests.

- 13 In accordance with §A168-19.C. the driveway pavement shall extend a minimum of 25-ft from the edge of the roadway pavement. A note shall be added to the plan stating this requirement.

John McGloin: No problem.

- 14 The declaration information for the Agricultural Notes will need to be shown on the drawing.

John McGloin: Ok.

- 15 A legal description for the dedication strip to the Town for highway purposes will need to be submitted.

John McGloin: Ok.

- 16 Surveyor to certify that iron rods have been set at all property corners.

John McGloin: Ok.

17 Payment of all fees.

John McGloin: Ok.

Mr. Astorino: We will add a comment #18. Comment #18, Payment of Parkland Fees.

John McGloin: Ok. I would like to go back to comment #9. Are we going to modify anything or leave the note that it refers to? In note #13, it states that these trees shall be trimmed or removed. Would you rather have note #13 just state trimmed?

Mr. Bollenbach: Yes. That would be better.

John McGloin: That way it would make everybody happy.

Mr. Bollenbach: Yes.

Laura Barca: Do you know to increase that sight distance how high you would have to trim them?

John McGloin: You are looking at sight distance at 4.5 feet. If you want it 6 or 7 feet, that would be fine. I could put it to a specific if you want me to. It would be trimmed to a minimum height of whatever.

Mr. Astorino: Why don't you go to 6 to 8 feet? That way you would be covering yourself.

Mr. McConnell: Does that allow for snow bringing the trees down?

John McGloin: What I want to do is put a minimum distance down.

Mr. Bollenbach: Why don't you go for a minimum of 8 feet?

John McGloin: Ok. The minimum will be 8 feet.

Mr. Astorino: Does the Board have any further questions? This application has already been set for a public hearing.

John McGloin: Ok. We will take care of the testing. We will get back to you.

Mr. Astorino: Yes.

John McGloin: Thank you.

Other Considerations:

1. **Planning Board Minutes of 2/17/10** – Planning Board Minutes of 2/17/10 for Planning Board Approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 2/17/10.

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

2. **Allan and Maureen Mante** – Letter from Kirk Rother, dated 3/2/10 addressed to the Planning Board in regards to the Mante Subdivision – requesting a 6-Month Extension on Final Approval of a proposed 2-Lot Subdivision, S 47 B 1 L 78.234; parcel located on the eastern side of Bellvale Lakes Road 2,725 feet south of Rabbitt Hill Road, in the MT zone, of the Town of Warwick. Final Approval was granted on 9/2/09. *The applicant is still currently in the process of satisfying the conditions of final approval.* The 6-Month Extension becomes effective on, 3/2/10.

Mr. McConnell makes a motion on the Allan and Maureen Mante application, granting a 6-Month Extension on Final Approval of a proposed 2-Lot subdivision, SBL # 47-1-78.234. Final Approval was granted on, 9/2/09. The 6-Month Extension becomes effective on, 3/2/10.

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

3. Planning Board to discuss cancelling the 3/8/10 Work Session and the 3/17/10 Planning Board meeting.

Mr. McConnell makes a motion to cancel the 3/8/10 Work Session and the 3/17/10 Planning Board meeting.

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

Laura Barca: Ben, does that include the joint ARB & Planning Board meeting that we have regarding the Fairgrounds # 2 application?

Mr. Astorino: I think we will keep that meeting if the Board does not mind. That joint meeting with the ARB has been published all over the place. That joint meeting should only take about an hour. Connie, did you publish that meeting everywhere?

Connie Sardo: Yes.

Laura Barca: Ok.

Mr. Astorino: That joint meeting with the ARB will be held on 3/8/10 at 6:00 p.m.

Laura Barca: Ok.

Mr. Bollenbach: You have received an email from Ted Fink in that regard. Ted wants the Board to be mindful that the application of Fairgrounds #2 as proposed does not conform with the Design Guidelines. The buildings will most likely have to be relocated or shifted. This is just a preliminary meeting with the ARB. There will be further refinements if and when an approval is warranted.

Mr. Astorino: Right. I think even for the Price-Chopper site there were at least 3 meetings we went through with them.

Mr. Bollenbach: Yes.

Mr. Astorino: We already had published this joint meeting between the ARB and Planning Board. It is already there.

Mr. Bollenbach: Yes. It would be a preliminary type meeting.

Mr. Astorino: Exactly.

Correspondences:

1. Letter from Christopher Lupton, Simon & Shayne Haysom dated 2/16/10 & 2/17/10 addressed to the Planning Board – in regards to the Warwick Views Subdivision.
2. Letter from Brian Orzel from ACOE, dated 2/18/10 addressed to the Planning Board – in regards to the Warwick Views Subdivision.
3. Letter from Wendy Schlesinger, dated 2/27/10 addressed to the Planning Board – in regards to the Warwick Views Subdivision.
4. Letter from Kathryn Johnston Lomax, dated 3/1/10 addressed to the Planning Board – in regards to the Warwick Views Subdivision.

Mr. Astorino: Those correspondences number 1 through 4 are in our packets. Laura, I am going to let you comment a little on the Warwick Views regarding these letters regarding the community septic to give a little explanation.

Laura Barca: I just want to give a little explanation on what a community septic is and how it functions. The short way to say it is that a community septic system basically functions the same way as an individual home septic system. The difference is the sewer mains that would collect the wastewater, pipe it, and possibly pump it to a septic tank. Sometimes you would do that in a residential home. Sometimes pumping is required in a residential home and sometimes it is not. What happens when the waste gets to the septic tank is that it separates into two different forms of “solids”. The heavier solids sink to the bottom where bacteria interact with it, eats it, and forms more of a sludge material. The lighter solids, the fats and greases go to the top where they are partially decomposed again by certain types of bacteria and form what is called a scum layer. The effluent, which come from the lighter solids, leave the septic system and goes to a distribution box. The purpose of the distribution box is to insure that the effluent is distributed evenly within a septic leachfield or absorption field. Then, last is the absorption field where the effluent goes, which has already been partially decomposed, is that it goes into the soil and completes a “cleansing process” of the wastewater. The absorption field is an important part of the system that has to be properly sized and very dependent on the water usage and the soil type that is there. A thing that is very neat to a community septic system versus a residential house is that the cost to operate and maintain a system is borne by the users of the system and not by the taxpayers in the Town. There are a couple of different mechanisms that you could use. You could setup a special user district that is taxed. The Town could set that up. Or, if there is a Homeowners Association proposed for that subdivision, it could be owned and operated by the HOA and paid for by the dues that are given to the HOA.

Mr. Bollenbach: Is there any redundancy in the system? Could you explain what redundancy is and what happens when the power goes out?

Laura Barca: There is redundancy in the system. There is redundancy at just about every point in the system. If there is pumping that is required, there is usually at least 2 pumps depending on the flow in the water. There could be 2 standby pumps. Just in case something happens to the second pump, a third pump is there. For an individual residential house, there is at least a 50% expansion area they would have to have available for a septic system. The same requirement goes for a community septic system.

Mr. McConnell: Is there a requirement for a generator?

Laura Barca: Yes.

Mr. McConnell: If the power goes out for an extended period of time, there is a generator that kicks in to run the pumps.

Laura Barca: Yes. In my house, I have a septic system that has a pump in it. When, the power goes out, I never had a problem at my house. The system works as it should.

Mr. Singer: Why is the pump from the house to the septic tank instead of from the septic tank to the leachfield?

Laura Barca: In my system, the pump is from the septic tank into the leachfield.

Mr. Singer: But, what you had described in a community septic...

Mr. Bollenbach: Carl, it could be both.

Laura Barca: It could be done either way. It would depend on how the land is. Say that all of the houses are up on top of a hill and your sewer pipes are flowing by gravity to the low point, but now the low point is lower than where your leachfield would be, then you would have to pump to your septic tank, and then generally go by gravity from your septic tank into the leachfield. There could be a pump at any point in the process. If there was more than one pumping point, there would be additional precautions and additional redundancy of pumps at each point where they were needed.

Mr. Singer: But, when you were describing it, you specifically said that the pump was between the house and the septic tank. That is not necessarily true.

Laura Barca: That is not necessarily true. That was for an example.

Mr. Astorino: Ok. Does the Board have any further questions?

Mr. Bollenbach: I just want to bring to the Board's attention correspondence #4, the first page of it was a little bit confusing. It keeps reciting comments on page 3 of 21 or comment #11 of 21. Laura was kind enough to remind me that it is the Long Form EAF that has 21 pages. That was one of the first SEQR documents that was provided about 4 or 5 years ago. That was the Long Form EAF. The comments were related to responses within that particular document. The wording within that document uses terms of art that are described in the SEQR regulations to identify, for example not just an aquifer, but the particular type of aquifer. It is a little bit misleading. That is where the comments developed from. I want to bring to the Board's attention that the Long Form EAF has

since been superseded. We had a Scoping Session to further define the areas of potential impacts. We now have the Draft Environmental Impact Statement (DEIS). That is the document that we are looking for public comment on. We are still in the process of gathering information. We just received a letter from the ACOE. There will be tons of studies done. No determinations have been made. That is all part of the SEQR review process. Also, in that correspondence right at the tail end, there was some comment that they were concerned that all of these public comments, these different letters, were not read aloud. These letters are submitted into the record. They will also be in the Final Environmental Impact Statement (FEIS). There will be an appendix. Every single correspondence that we received will be included. The applicant will also go through and either address each letter paragraph by paragraph or point by point, or if there are similarities in the comments, they might be addressed cumulatively. In any event, these comments have to be addressed to the satisfaction of the Planning Board to minimize or mitigate any potential impact to the community at large.

Mr. Astorino: Yes. Thank you. Does the Board have any other comments? The Board has no further comments.

Privilege Of The Floor For Agenda Items!!

Mr. Astorino: If there is anyone 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 March 3, 2010 Planning Board meeting.

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