

TOWN OF WARWICK PLANNING BOARD

March 5, 2008

Members present: Chairman, Benjamin Astorino
Dennis McConnell
Roger Showalter, Carl Singer
Zen Wojcik, Tectonic Engineering
J. Theodore Fink, Greenplan
John Bollenbach, Planning Board Attorney

The regular meeting of the Town of Warwick Planning Board was held Wednesday, March 5, 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 Bing and Elizabeth Nop #2

Application for Final Approval of a Proposed 33-Lot cluster subdivision, entitled, "*Meadowbrook Farms*", located on tax parcels S 29 B 1 L 65.12 and L 63; and situated along the northwestern side of Union Corners Road across from Sargent Road, in the RU/AI zones, of the Town of Warwick, County of Orange, State of New York. Preliminary Approval was granted on August 3, 2005.

Representing the applicant: Dave Higgins from Lanc & Tully Engineering.

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

Mr. Astorino: Thank you.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
 - A. Amended Negative Declaration
2. Applicant to discuss project.
 - A. Status of approvals

YIELD PLAN

**PLANS DATED 12/24/2002 BY ESPOSITO & ASSOCIATES;
LAST REVISED 2/17/2005**

3. No Further Comments. Planning Board achieved consensus on the Yield Plan on May 18, 2005.

CLUSTER PLAN

4. The permitted number of lots, as permitted by the Yield Plan, is 33. However, 34 are shown on the Cluster Subdivision Plan. Board & Applicant to discuss.
5. Several of the species noted on the Landscaping Plan are not listed on the Plants List (i.e. Fp, Lp, Qp). All proposed plantings should be listed on the Plants List. Contrary to the

transmittal letter, the Landscape Plan shows no stormwater management facilities plantings. Call-out a proposed grass seed type for the Surface Sand Filters. As noted in the *Design Manual*, the grass should be capable of withstanding frequent periods of inundation and drought.

6. Place approved road names on Subdivision and Overall Plans. It appears that “Nop Road” is a logical continuation of the entrance road, and the entrance road is labeled “Nop Road” on the plan views. Stationing should be continuous from Union Corners Road through the roundabout and the “Entrance Road Profile” should be relabeled.
7. Lots #8 and #10 have the same 9-1-1 address. Revise.
8. Proposed construction of dedicated roads shall comply with revised §A168. Provide testing results and pavement design calculations for Town Engineer’s review and approval before final approval.
9. Show a construction limit line across the “paper street” (stub road) at Falkena Circle.
10. The Soil Stabilization and Federal Wetland symbols at the entrance road on the Erosion Control Plan are virtually identical. Differentiate.
11. Remove the turnaround in the entrance road.
12. At the Subdivision Entrance Detail (sheet 5) and on the Landscape Plan, include the sight triangles and include a note that the area of the triangles shall be kept free from visual obstructions.

SWPPP COMMENTS (LAST REVISED 11/7/06)

13. The reference at the Surface Sand Filter Details to the seeding schedule is inaccurate. Revise.
14. For runoff from the entrance road (Area C1 and Area B Undetained), include a discussion of how the water quality requirements will be met. Provide any correspondence from NYSDEC necessary to support the proposed methodology.

BEFORE FINAL APPROVAL

15. Provide the declaration and the recording information on the plan for Agricultural Protection Notes, Aquifer Protection Overlay Notes, Open Space Conservation, and Homeowner’s Association.
16. Provide the declaration and the recording information on the plan for maintenance of stormwater management facilities.
17. Provide, for Town Board approval, an offer for dedication of the roads.
18. Applicant to provide signed and sealed copy of the final revised SWPPP, including a copy of the signed and submitted NOI.
19. Surveyor to certify that iron rods have been set at all property corners, monuments set along Town road right-of way, and stone cairns have been set at corners of open space.
20. Pay performance bond and construction inspection fee for Town roads, stormwater management facilities, and erosion control.
21. Pay a 3-year term landscape bond and inspection fee for street trees, screening plantings, and hydric plantings at stormwater management facilities.
22. Pay parkland fees.
23. Pay outstanding review fees.

The following comment submitted by the Conservation Board, dated 3/5/08:

Bing & Elizabeth Nop #2 (Meadowbrook Farms) - The CB has no further comments, but notes the discrepancy between the number of lots in the description (33) and the plan (34).

The following comment submitted by the ARB, dated 3/5/08:

Bing & Elizabeth Nop #2 (Meadowbrook Farms) - The Architectural Review Board would like to receive design drawings and elevations for the houses proposed on this subdivision. We congratulate the applicant on the overall layout and design of the subdivision. This proposal creates a sense of rural neighborhood, with well-thought out overall lot design. We would like to see the actual homes built in the subdivision reflect in their mix and design the same ideas of diversity and neighborhood that are reflected in the lot design.

Comment #1: Board to discuss SEQR.

A. Amended Negative Declaration

Mr. Fink: The Planning Board had issued a Negative Declaration on this application at the time of preliminary approval was granted. Based upon the revised access configuration and some other factors like the amount of open space that would be protected, we had discussed at a work session the possibility of amending the Negative Declaration. I believe a consensus from the Board at a work session was that the Negative Declaration should be amended. At this point, we are waiting for some final calculations by Lanc & Tully.

Comment #2: Applicant to discuss project.

A. Status of approvals

Dave Higgins: As Ted had indicated, we did receive a Negative Declaration and preliminary subdivision approval of the layout that is before the Planning Board. Upon receiving that, we did go out to the other agencies to get our approvals from those agencies. That included the OCHD for realty subdivision and the wells and septic systems. The OCHD has indicated that all the technical comments have been addressed. They are awaiting final plans for formal approval. This project also went to the ACOE and NYSDEC for the permits that were needed for some wetland disturbances. We also went to OCDPW. The OCDPW had indicated to us that the original road location that we had was not acceptable to them because a site distance was inadequate in one direction. They wanted us to relocate it 600 feet or so along Union Corners Road to where the sight distances were better. Based upon that relocation, the wetland disturbances that we had prior on the plans have been eliminated to the most extent. We still have a little bit ACOE disturbances that we need to permit with the ACOE. We have submitted the revised plans to those agencies for their approval. We do anticipate that given the reduction in all of those disturbances, ACOE will grant an approval and the DEC gave us a Notice of Complete Application given the fact that we virtually agreed to eliminate those disturbances in the entirety, we are waiting for a sign off on that.

Mr. Astorino: You are waiting for a sign off letter.

Dave Higgins: Yes.

YIELD PLAN

PLANS DATED 12/24/2002 BY ESPOSITO & ASSOCIATES; LAST REVISED 2/17/2005

Comment #3: No Further Comments. Planning Board achieved consensus on the Yield Plan on May 18, 2005.

CLUSTER PLAN

Comment #4: The permitted number of lots, as permitted by the Yield Plan, is 33. However, 34 are shown on the Cluster Subdivision Plan. Board & Applicant to discuss.

Dave Higgins: As I understand, there was some confusion. There was some ambiguity on the plans, Negative Declaration, and the Resolution of the preliminary approval regarding the number of lots. It was always our intent since the yield plan had been established to have 33 new residential lots and that the farm open space would be the 34th lot.

Mr. Astorino: That would include the farmhouse.

Dave Higgins: The farmhouse would be part of that 34th lot. After speaking with the Planning Board's consultants, it was felt that the yield plan designates the maximum number of lots that could be permitted on the project and that the open space parcel that has a farmhouse on it, is to be considered one of those lots. That is what I understood.

Mr. Bollenbach: Correct.

Mr. Astorino: With the ECF, it shows 33 lots. Does that include the farmhouse?

Mr. Bollenbach: That is for the entire parcel.

Mr. Astorino: That is for the entire parcel which includes the farmhouse parcel. Zen, is that correct?

Zen Wojcik: Yes.

Dave Higgins: There is a slight twist on that. The yield plan does show 33 lots. Most of the yield plan is based on the environmental control formula. In the Town, we have the option to do soil testing for lots to demonstrate that they are buildable. Then, you are back down to the bulk requirements. Esposito and Associates was the firm that prepared the yield plan. I have spoken to Steve Esposito about this. We want to keep the number of lots that we had at the preliminary approval, which was 34 lots. It was 33-new lots and a 34th lot. So Esposito's office, what they had done since last week, looked at modifying the yield plan to see if we could justify the 34th lot.

Mr. Astorino: Instead of using the ECF, are you going to do percs and deeps?

Dave Higgins: On the original yield plan, most of the lots were based on the control formula. What they had done, I could show you tonight that we have plans from Esposito's office that they had just provided. The intent was to bring them tonight to show them to you. It is understood that you have not had a chance to review them to make any formal decision on them. I could give you a rundown on what changes that they have made to the yield plan. Looking at the yield plan, what they had done was that there were lots in this area, lot 26 through lot 33; these lots were based on soil testing. Generally, that was what they had done with the original plan.

Mr. Astorino: They are listed under the ECF on this map. Is that correct?

Dave Higgins: I think if you look at that, you would see a few lots below.

Mr. Astorino: It is in the table here done under the ECF.

Dave Higgins: If you look at the acreage that was provided versus the acreage that is required based on the ECF, you will see that some of them are less. The majority of the site used the ECF on it. A handful of these they actually did soil testing. There were (2) changes that they made to the yield plan. The first change as we understood it is that we had a road here on the original yield plan and the cluster plan. The County has since said that they did not want a road located there. They want the road to come out over here in a different location. Esposito & Associates took that road location and revised it. They worked the lots around that so they were buildable and to demonstrate that we had access over there. The second change was done in this area here on the yield plan. This is located in the AI District. The lot sizes for that are 2.1 acres based on the ECF. What Steve Esposito had done was extend this out. The other thing about the AI District is that district has no requirements for side yard and lot width. They are very flexible in that district. Steve took the cul-de-sac and shifted it to pick up the additional lot so that we would be back up to 34 lots.

Mr. Astorino: Are you going to re-submit this yield plan to the Board?

Dave Higgins: Yes. Our intention tonight was to bring them to the Board and have your consultants review them.

Mr. Astorino: Ted, as far as SEQR, what happens?

Mr. Bollenbach: We would amend the Negative Declaration.

Mr. Fink: Yes. We would amend the Negative Declaration. There are other points. One of the things was the description of the road access and how it crosses the wetlands and so forth. That would need to be amended.

Mr. Astorino: Ok. We will review these plans. We will amend the Negative Declaration.

Comment #5: Several of the species noted on the Landscaping Plan are not listed on the Plants List (i.e. Fp, Lp, Qp). All proposed plantings should be listed on the Plants List. Contrary to the transmittal letter, the Landscape Plan shows no stormwater management facilities plantings. Call-out a proposed grass seed type for the Surface Sand Filters. As noted in the *Design Manual*, the grass should be capable of withstanding frequent periods of inundation and drought.

Dave Higgins: We will coordinate that with Esposito's office and prepare the landscaping plan.

Comment #6: Place approved road names on Subdivision and Overall Plans. It appears that "Nop Road" is a logical continuation of the entrance road, and the entrance road is labeled "Nop Road" on the plan views. Stationing should be continuous from Union Corners Road through the roundabout and the "Entrance Road Profile" should be relabeled.

Dave Higgins: We could do that. What gets confusing is there is a portion of the roundabout that has half of a semi-circle.

Mr. Bollenbach: Talk to Mr. Batz. They have a uniform way of doing it.

Dave Higgins: Ok.

Comment #7: Lots #8 and #10 have the same 9-1-1 address. Revise.

Dave Higgins: We will fix that.

Mr. Bollenbach: Take a look, I don't think you had the 34th lot listed. You will have to add the 34th lot.

Dave Higgins: Ok.

Mr. McConnell: That is if we approve that.

Mr. Bollenbach: Yes.

Mr. Astorino: That is yet to be determined.

Comment #8: Proposed construction of dedicated roads shall comply with revised §A168. Provide testing results and pavement design calculations for Town Engineer's review and approval before final approval.

Dave Higgins: We understand that. That looks like something that could be done as a condition. We will take care of that with the Town Engineer.

Zen Wojcik: I don't know about that. John, do you want to discuss that?

Mr. Bollenbach: These new road specifications have been in place for quite some time now. They have been in place for at least the last 2 years. One of the requirements is to do some testing so that the design could be actually in place. You will need to discuss that with Zen and get back to the Board.

Dave Higgins: Ok. I know when we did a similar circumstance with the BCM subdivision that was one that was submitted around at the same time as this.

Mr. Bollenbach: BCM was a little bit further along. That received its approval about a year ago. I don't know. It would be up to the Board on how they would want to pursue it.

Dave Higgins: BCM received their approval around Thanksgiving time. We will talk to Zen about it.

Comment #9: Show a construction limit line across the "paper street" (stub road) at Falkena Circle.

Dave Higgins: No problem.

Comment #10: The Soil Stabilization and Federal Wetland symbols at the entrance road on the Erosion Control Plan are virtually identical. Differentiate.

Dave Higgins: Ok. Will do.

Comment #11: Remove the turnaround in the entrance road.

Dave Higgins: No problem.

Comment #12: At the Subdivision Entrance Detail (sheet 5) and on the Landscape Plan, include the sight triangles and include a note that the area of the triangles shall be kept free from visual obstructions.

Dave Higgins: Will do.

Comment #13: The reference at the Surface Sand Filter Details to the seeding schedule is inaccurate. Revise.

Dave Higgins: Will do. We will make it consistent.

Comment #14: For runoff from the entrance road (Area C1 and Area B Undetained), include a discussion of how the water quality requirements will be met. Provide any correspondence from NYSDEC necessary to support the proposed methodology.

Dave Higgins: We are in the process of doing that. We have plans submitted to the DEC. We are renewing the SWPPP. We anticipate that the DEC would be happy with the changes that we made. They should give us the permits that we need.

BEFORE FINAL APPROVAL

Comment #15: Provide the declaration and the recording information on the plan for Agricultural Protection Notes, Aquifer Protection Overlay Notes, Open Space Conservation, and Homeowner's Association.

Dave Higgins: Will do.

Comment #16: Provide the declaration and the recording information on the plan for maintenance of stormwater management facilities.

Dave Higgins: Will do.

Mr. Bollenbach: Also add the drainage easements.

Comment #17: Provide, for Town Board approval, an offer for dedication of the roads.

Dave Higgins: We will have our Attorney work on that.

Mr. Bollenbach: Also, you will need a petition to form a drainage district.

Dave Higgins: Does that have to be approved by the Town Board?

Mr. Bollenbach: Yes. That gets approved by the Town Board and also the offers of dedication.

Comment #18: Applicant to provide signed and sealed copy of the final revised SWPPP, including a copy of the signed and submitted NOI.

Dave Higgins: Will do.

Comment #19: Surveyor to certify that iron rods have been set at all property corners, monuments set along Town road right-of way, and stone cairns have been set at corners of open space.

Dave Higgins: Regarding the stone cairns, is that a requirement of the Town?

Mr. Astorino: It is a requirement by the Planning Board.

Dave Higgins: I remember that we had done that on BCM. I thought that was a special thing for that project.

Mr. Bollenbach: Take a look at what it is. You have active farmland here. If you want to provide some type of a concrete monument, we are looking for something a little more substantial than rebar.

Mr. Astorino: It is something for the Building Department to go out and identify.

Dave Higgins: Ok.

Mr. McConnell: It also allows the homeowners to easily identify the limits of the open space so that they could determine if anyone has encroached upon it with buildings or other interferences.

Dave Higgins: Ok.

Comment #20: Pay performance bond and construction inspection fee for Town roads, stormwater management facilities, and erosion control.

Dave Higgins: Will do.

Comment #21: Pay a 3-year term landscape bond and inspection fee for street trees, screening plantings, and hydric plantings at stormwater management facilities.

Dave Higgins: Will do.

Comment #22: Pay parkland fees.

Dave Higgins: Will do.

Comment #23: Pay outstanding review fees.

Dave Higgins: Will do.

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 Meadowbrook Farms application, please rise and state your name for the record. Let the record show no public comment. We will have to adjourn this public hearing so that we could review the yield plan.

Mr. McConnell makes a motion to adjourn the Public Hearing to the April 2, 2008 Planning Board meeting.

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

Dave Higgins: I assume the public hearing cannot be closed because it is a policy of the Planning Board.

Mr. Bollenbach: We have to amend the Negative Declaration. We would have to close out SEQR before we could close the public hearing. That would be a formality.

Dave Higgins: Ok. Thank you.

PUBLIC HEARING OF Paul Norris

Application for Site Plan Approval and Special Use Permit for the use of fill placed on the property which is located within “*An Environmentally Sensitive Area*” of Greenwood Lake, situated on tax parcel S 73 B 4 L 46; project located on the southern side of Brook Trail 50 feet west of Brook Trail and U.S. Route 210, in the SM zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Paul Norris, Applicant.

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

Mr. Astorino: Thank you.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. Applicant has begun filling along a slope in the Ridgeline Overlay District, within an environmentally sensitive area of Greenwood Lake. Provide the following:
 - A. Proposed finish contours in entire fill area.
 - B. Method of compaction.
 - C. In addition to jute mat and seeding to be installed on the filled slope, show silt fence on the downhill side of the area to be filled. Note that the silt fence shall be maintained until the importation of fill is complete. Add “and seeding” after ‘jute mat’ in Construction Note 3.
 - D. Aerial photographs available on the County website show that the applicant’s hillside was lightly forested before disturbance. Provide a landscaping plan for stabilization showing the number of trees to be replanted in the fill area.
4. SBL is incorrectly shown on plan. Correct.
5. FOR THE RECORD – Applicant has provided two letters from two excavators/haulers attesting to the cleanliness of the onsite fill.
6. For future fill brought to the site, place the following note on the plan: “The applicant shall provide the Building Department certification from the excavator/hauler as to the source and cleanliness of the fill.”
7. Pay outstanding review fees.

The following comment submitted by the Conservation Board, dated 3/5/08:

Paul Norris - Act first and get approval latter suggests as is the case here suggests that there is insufficient deterrence in the code. The CB will consider developing some recommendations in the near future aimed at encouraging early compliance.

The following comment submitted by the ARB, dated 3/5/08:

Paul Norris - What is the proposed use of the lot requiring the level of fill added to the lot? We would like to see proposed design of any buildings to be constructed in this “sensitive area” prior to issuing a building permit.

Comment #1: Board to discuss SEQR.

Mr. Fink: The Planning Board has declared Lead Agency on this application. It is an Unlisted Action. We have been reviewing this with the short EAF. This project doesn't involve any new structures, it just involves approval for fill that has already been placed on the site as well as additional fill that would be placed there as well as drainage improvements, retaining wall and check dams. The primary issues under SEQR are the issues of soil erosion, sediment control and soil stabilization. Also, the visual impact is a SEQR issue because this project is located within the Ridgeline Overlay District. In our review comments, we have a number of areas where comments are directed at erosion control as well as the visual for the landscaping plan.

Comment #2: Applicant to discuss project.

Dave Getz: Mr. Norris is the owner of the property. He has been re-grading part of his site. Since our last appearance, we have provided a set of plans with additional details on the proposed finished grades and some drainage calculations for the proposed check dams. We have also provided some related paperwork that we discussed at the earlier presentation.

Mr. McConnell: Mr. Chairman, I would like to get on the record that this project was started before an application was made to the Planning Board. The applicant is here as a result of being caught at doing something that he shouldn't be doing. I think these things are important to have on the record as a reference.

Mr. Astorino: You have just done that. It is on record.

Mr. McConnell: Thank you.

Comment #3: Applicant has begun filling along a slope in the Ridgeline Overlay District, within an environmentally sensitive area of Greenwood Lake. Provide the following:

A. Proposed finish contours in entire fill area.

Dave Getz: Ok.

B. Method of compaction.

Dave Getz: Ok.

C. In addition to jute mat and seeding to be installed on the filled slope, show silt fence on the downhill side of the area to be filled. Note that the silt fence shall be maintained until the importation of fill is complete. Add "and seeding" after "jute mat" in Construction Note 3.

Dave Getz: Ok.

D. Aerial photographs available on the County website show that the applicant's hillside was lightly forested before disturbance. Provide a landscaping plan for stabilization showing the number of trees to be replanted in the fill area.

Dave Getz: We are not opposed to show trees that would replace what might have been there.

Mr. Fink: You would need to add to that regarding the fill area to include the slope stabilization measures. There is a retaining wall, which is an extensive retaining wall. I have been to the site to see how visible that would be. If there is any screening or vegetation that might be needed, you would have to take that into consideration.

Dave Getz: It is a natural rock wall. It is not visible from any streets. It is not visible from above on Brook Trail or from Route 210.

Mr. Fink: The details that were provided did not give much detail. It was hard to tell.

Dave Getz: Ok.

Mr. Bollenbach: We will add to comment 3-D to state it will be landscaping to the Town Planner's specifications.

Mr. Astorino: Ok.

Comment #4: SBL is incorrectly shown on plan. Correct.

Dave Getz: Ok.

Comment #5: FOR THE RECORD – Applicant has provided two letters from two excavators/haulers attesting to the cleanliness of the onsite fill.

Dave Getz: Right.

Comment #6: For future fill brought to the site, place the following note on the plan: "The applicant shall provide the Building Department certification from the excavator/hauler as to the source and cleanliness of the fill."

Dave Getz: Yes.

Comment #7: Pay outstanding review fees.

Dave Getz: Ok.

Mr. Bollenbach: We will need to add a comment #7; provide a 3-year landscape maintenance bond.

Mr. Astorino: Ok.

Mr. Bollenbach: In response to a comment from the ARB, dated 3/5/08, there are no structures proposed. We received a comment from the CB, dated 3/5/08. The CB could take a look at the Code §150 regarding tree removal and excavation. This was done by the Town Board on 8/16/07 when they adopted these provisions. The penalties are \$150.00 per day. It

is to be worked out with the Building inspector and the Court. I just wanted you to know that the Order To Remedy for this particular violation was issued on 8/9/07 approximately a week before this was put into place. The applicant did come to the Building Inspector to let him know what was going on.

Paul Norris: I was under the impression that it was ¼-acre or more that you had to go through this whole process. It was my mistake. I just wanted to be straight out.

Mr. Bollenbach: Mr. Norris did come to the Building Department to take care of this matter.

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

Zen Wojcik: I just want to clarify the area that is shown on the plan. That entire area shown for ultimate limit of fill is .2 acres more or less. Is that correct? It says proximate limit of fill is .2 acres. I am assuming that you don't have any finished contours for what the ultimate fill of this area would be. Right now, you just show us some contours from the access road. Is that the limit of where all the fill would be?

Paul Norris: What I am doing is taking an existing driveway to my backyard. I am making the grade more digestible. That is what we have done. Basically, it is just going to be from my driveway to the backyard.

Dave Getz: He has a shop building down at a lower level. This would give him access to it.

Paul Norris: It would also give access to my garden.

Zen Wojcik: The area that you are showing that has an approximate limit of fill would not be filled. The area that you are pointing at I am confused about it. It looks to me that they would continue bringing in fill.

Dave Getz: No. That includes what he has filled so far. When we speak of the area of the fill, it is material that is brought in plus the proposed re-grading of the driveway.

Zen Wojcik: So, there would still be more fill coming into the site.

Dave Getz: As it is shown on these proposed contours. We are not omitting any proposed grading. What he proposes to do is what we are showing on there. We recalculated this area because he has already put fill in there.

Zen Wojcik: So, he has already altered these contours that are there. They are already altered contours. Is that correct?

Dave Getz: Yes.

Zen Wojcik: Ok. We will clarify that also. Mr. Chairman, I was confused looking at the plan. I want the Board to understand that Mr. Norris is not finished yet. John, you should clarify this. But, if the Board approves this application, Mr. Norris would have to go to the Building Department for a permit. Is that correct?

Mr. Bollenbach: Yes. It would be Town Code §150.

Mr. Astorino: That should be another comment added.

Dave Getz: Is that considered a building permit?

Mr. Bollenbach: Yes.

Dave Getz: Ok.

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

Vincent Silvestri: My property abuts on the north side of his property. Let us bring things into prospective. The reason that this has come to light is because I went to the Building Department. I did not like the type of fill that was coming in. Environmentally, I did not like it. The other issue was regarding the drainage system that was none. There was a drainage system. I believe that Mr. Batz has the 8x10 pictures showing that the drainage system that was put in and was told to Mr. Norris and myself that it was inadequate tree trunks with a couple bales of hay. When you drop dirt from up here and putting about 400 yards of dirt down and moving it all around, you are diverting water onto my land. I have tried to explain that you cannot divert water onto your neighbor's land. That is not a proper system. There is no curtain drains. There is no drainage system. I have no problem with the Board passing everything and making it right, but I want some kind of drainage system so that I will not see water coming onto my property. I don't care how it was before. We are talking about now. Secondly, somebody has to oversee what type of fill is being put in there. This Board or any Board in this country would not have approved the fill that was being put in there before.

Mr. Astorino: What was in that fill?

Vincent Silvestri: I have found cans and a lot of garbage in the fill. I am not going to say what it was. I don't know what it was. All I know is that it was not just dirt. You did not know what was coming in. You have contractors bringing in big trucks and dropping dirt down. On Sunday, there were backhoes doing work when a Stop Work Order was put into place. If you are going to do things on a weekend when the Town is not there, fine. But, now that it is here, Mr. Norris is putting in to try to get his land prepared so he could put in more houses. That was what I was told by him to put more stuff here. I don't have a problem with it just as long it will not divert water onto my property. Also, I want someone to oversee the fill that is being put in there. That is all that I have to say on this subject. I am sure that the Board will see that myself and everyone else in that park is protected environmentally.

Mr. Astorino: Since this was filled and what was filled there, did you have more water drain onto your property from this property? Has your situation gotten worse?

Vincent Silvestri: The situation is that now I have a big hill with dirt coming down. If you have a hill and everything is pitched towards my land, you tell me if it would give me more water or not.

Mr. Showalter: You need to tell us if it is giving you more water.

Vincent Silvestri: Yes, I do have a lot of water coming onto there. I want Mr. Norris to be able to put in a proper drainage system that would not divert the water onto my property. I am sure that you would oversee that to make sure it is right.

Mr. Singer: Zen, what do you think?

Vincent Silvestri: I believe Mr. Batz was there. Did you go up to the property? Do you have pictures of what I am talking about?

Zen Wojcik: I have seen pictures. My Boss was there. We have pictures. We saw the timber with dirt behind the rocks. That was an ineffective measure for soil erosion control.

Mr. Showalter: Let us ask Mr. Norris's engineer what he has done.

Zen Wojcik: On the plan, he has stone check dams where the level of the flow would go.

Dave Getz: That is right. Yes. We are showing the stone check dam to be placed in that low spot on Mr. Norris's property that would trap sediment.

Vincent Silvestri: If I have a hill here coming up about 40 to 50 feet up, you will put this little thing over here to block which is right now tree trunks with bales of hay.

Mr. Astorino: That would not cut it.

Vincent Silvestri: What is going to stop the water coming off this hill and not coming through the back, front, and sides over here? Is this here going to stop all of that?

Dave Getz: That will act to trap sediment from any areas that are not yet stabilized. That is the purpose of that.

Vincent Silvestri: Nothing there is stabilized. You know that.

Mr. Astorino: That is the issue. That is why it has to be stabilized. That is why they are here now. Where they raised this up where they are filling, you were getting water before. Is that correct from this hillside?

Vincent Silvestri: I was getting water that was coming down from the side of this.

Mr. Astorino: You are downhill regardless.

Vincent Silvestri: Yes. I am downhill.

Mr. Astorino: You are not going to stop all of the water.

Vincent Silvestri: Looking at the map, if you built this up over here to come up 7, 8, or 9 feet on a flat area...

Mr. Astorino: Zen, how far are they going up?

Dave Getz: That area is not being planned for any changes at this point.

Mr. Showalter: There is no disturbance.

Vincent Silvestri: Will there be a drainage system placed there at all other than this little dam?

Dave Getz: The dam is a temporary measure until it is stabilized. Once it is stabilized, that will be removed. Water will flow overland like it has in the past.

Vincent Silvestri: Ok. Mr. Norris's land runs all the way down here. Over here is a rock. The problem that I am getting the water here is because of the rock here.

Dave Getz: That is a ridge that runs right across that whole corner of the property.

Vincent Silvestri: This valley coming down in here, if you were to chip some of this rock away, you would have the drainage go down the side of the property. Once it gets past my house, I don't care. But where I am getting the water now is not up here. I am getting the water here where I have a patio. This is where I am getting the water. I am not getting it over here.

Mr. McConnell: Before any of this happened, did you get water across your patio?

Vincent Silvestri: To be honest, there was some water but not across the patio. It was diverting down here into the driveway area. Yes, that was where it was coming.

Mr. McConnell: So, you were getting water.

Vincent Silvestri: I was getting some water. As you lifted it up and put more dirt in there, I was getting more of a funnel type.

Mr. Astorino: Zen, what is the requirement here?

Mr. McConnell: What are the requirements here?

Zen Wojcik: In our code, it says that you shouldn't do anything to a property that would adversely affect adjoining properties. That usually is meant to me that you don't put more drainage onto the property. Once the ground is stabilized, you are not going get the sediment being transported, but the drainage would still move in a pattern that would fall by gravity. The check dam, you could make it a permanent feature. It would slow it down.

Mr. Showalter: Could they put a small swale in maybe towards the property line so that we wouldn't have fighting neighbors?

Vincent Silvestri: Couldn't you put in a curtain drain?

Zen Wojcik: The one thing that could occur is that check dam could remain as a permanent feature. It is a pile of rocks.

Dave Getz: Yes.

Mr. McConnell: Zen, does this plan look to us as you would expect more water to flow on the adjacent property as a result to what you are looking at here?

Zen Wojcik: One of the questions that I asked the engineer to clarify in the first submittal was whether these dams were properly designed according to the State's Manual. He ascertained that they were. I am confident with what he is showing and if our calculations are correct it would work. Mr. Silvestri's property is right on the edge. Mr. Norris, if you have some fill coming in, if you want to put up a little berm over there to keep the water from running on the side, it might help so that it would avoid the house.

Dave Getz: As a result of putting the fill in, a lot of this was very rocky land. It was probably less impervious surface with the fill than prior. Once it is stabilized with vegetation, it could have less runoff.

Paul Norris: The one check dam that you have seen the logs was a secondary one. If you were to witness, there is no sediment buildup on this side of that. That has been for over 1-1/2 years. It speaks for itself as it is. His house happens to be at the end of a ridge. There is less water going down there now than there was before. In the 20 years that I have lived here, this man always had a flooded basement because of where his house is situated.

Mr. McConnell: Dave, do you agree that there is less water now than before?

Dave Getz: I haven't done the calculations or close enough inspection. I am confident looking at the site that it is a very rocky shallow soil type of site. I think with the stabilization and the vegetation that is required by the Town, it would make it better than today's condition.

Mr. McConnell: Today's condition is already an altered condition. Mr. Silvestri, do you understand that we don't have the authority to require Mr. Norris to improve your property. All we could do is assure ourselves from the representations of his engineer and our engineer that anything he does on that property doesn't cause you more trouble or problems or more water than what you had before. Water is going to flow where it is going to flow. If it has not increased any by Mr. Norris's actions, I don't see how we could compel him to do anything to divert it or anything else.

Mr. Astorino: If we could leave that check dam in place as a permanent measure, it could work.

Zen Wojcik: There is this little valley or ridge that goes across. It does flow in both directions. The property owner on the other side of Mr. Norris has a similar problem. However, Mr. Silvestri's property is right on the edge of the property. He gets it immediately. What Mr. Getz has done with his proposal for soil erosion control is that he is managing that aspect of it. He is putting up a stone check dam. That could stay as a permanent measure. That would slow down the water. Once the slope is stabilized and vegetated that water would flow off slower than it is right now. That would take a year or two to happen. Hopefully by the end of the summer, grass would grow on it with the stabilization features that you have on the plan already. That would make a marked improvement from what you have right now.

Paul Norris: There are two other factors. The patio that Mr. Silvestri put in was just put in last year. Where he chose to put his patio is not my problem. As far as cans and other

debris, most of that is from the renters that he has had in that house throwing it onto my property.

Mr. Astorino: We have letters certifying from your haulers and contractors that the fill is clean fill. We did take that into account that they are certifying in supplying it to us and the Building Department on the fill that comes in. I am sure that the Building Inspector will do their inspection on this property to make sure that no unclean fill will be placed there. We have a note on the plan to that effect to make sure that would not happen.

Vincent Silvestri: That is all I am asking for. I just wanted to say that my neighbor next to me had a piece of equipment there. I was getting water from the back. It was coming in almost like an underground stream at one point. What we both had done was took an excavator and put it between our property. I do not get any more water in the basement. I have a dry basement. My patio has been there 50 years. Unfortunately, a piece of it was under Mr. Norris's land that he knocked down. The patio was there. All I had done was re-put slate on top of it. I just want to make sure that I am not going to have water diverted to my property, which I thought was a regulation in NYS.

Mr. Astorino: Exactly. That is why Mr. Norris is here. That is why we have a public hearing.

Vincent Silvestri: Other than that, I just want to know what type of fill is being brought in. That is what I want to know in the future. I don't want to environmentally have any health problems.

Mr. Astorino: Not at all. That is why we have a note on the plan to that effect. The Building Inspector will be monitoring that.

Mr. Showalter: I don't think it would be in Mr. Norris's best interest to bring in dirty fill either.

Mr. Astorino: If we make that a permanent check dam that would help with the water.

Paul Norris: I don't have a problem with that.

Mr. Singer: Zen, made a comment that a berm would help. You were about to say that you were in favor of that.

Paul Norris: That would be a stone check dam. That wouldn't be temporary. I am not doing it twice.

Mr. Showalter: What Carl is getting at is to help the situation between the two neighbors so that there are no more problems. It would be a help to keep the water that comes off your property from going onto his property, it would be a help to keep it more on your property.

Paul Norris: That is already started. There is less water now. Vincent, you would have to admit to that.

Mr. Astorino: Does the Board have anything further? Is there anyone else wishing to address the Paul Norris application? Let the record show no further public comment.

Mr. Bollenbach: We need to add a comment #9, obtain excavation permit from Building Department. Part of that would have the hours of operation that is under the Town Code. We also need to add a comment #10, revise drainage to Town Engineer's specifications.

Mr. Showalter makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: Norris Site Plan

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed fill operation within a Designated Protection Area, 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 10/5/07, 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. Showalter makes a motion to close the public hearing.

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

Mr. Showalter makes a motion on the Paul Norris application, granting site plan approval and special use permit for the use of fill placed on the property which is located within "An

Environmentally Sensitive Area” of Greenwood Lake, situated on tax parcel S 73 B 4 L 46; project located on the southern side of Brook Trail 50 feet west of Brook Trail and U.S. Route 210, in the SM zone, of the Town of Warwick, County of Orange, State of New York, subject to the following conditions:

1. Applicant has begun filling along a slope in the Ridgeline Overlay District, within an environmentally sensitive area of Greenwood Lake. Provide the following:
 - a. Proposed finish contours in entire fill area.
 - b. Method of compaction.
 - c. In addition to jute mat and seeding to be installed on the filled slope, show silt fence on the downhill side of the area to be filled. Note that the silt fence shall be maintained until the importation of fill is complete. Add “and seeding” after ‘jute mat’ in Construction Note 3.
 - d. Aerial photographs available on the County website show that the applicant’s hillside was lightly forested before disturbance. Provide a landscaping plan for stabilization showing the number of trees to be replanted in the fill area to Town Planner’s specifications.
2. SBL is incorrectly shown on plan. Correct.
3. For future fill brought to the site, place the following note on the plan: “The applicant shall provide the Building Department certification from the excavator/hauler as to the source and cleanliness of the fill.”
4. Provide 3-Year Landscape Maintenance Bond.
5. Pay Outstanding Review Fees.
6. Obtain Excavation Permit from the Building Department. Note Hours of Operation 7:00 a.m. – 7:00 p.m. Monday through Saturday, not on Legal Holidays.
7. Revise Drainage to Town Engineer’s specifications.

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

Dave Getz: Thank you.

Paul Norris: Thank you.

Review of Submitted Maps:***Fred Gangemi #2***

Application for “Amended” site plan approval and special use permit for the construction and use of a dock, situated on tax parcel s 74 B 5 L 49.1; project located on the eastern side of Woodland Terrace (6 Woodland Terrace) 60± feet north of Forest Road, in the SM zone, of the Town of Warwick. Previously discussed at the 11/7/07 Planning Board meeting.

Representing the applicant: Dave Getz from Lehman & Getz Engineering.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
 - A. The reconstructed building foundation does not appear to be in the same location as shown on the approved plan.
 - B. Applicant is proposing a revision to the previously approved plan.
 - C. Provide details for proposed dock. Provide a copy of the valid NYSDEC Permit including the referenced drawing.
3. Pay outstanding review fees.

The following comment submitted by the Conservation Board, dated 3/5/08:

Fred Gangemi #2 – CB has no further comments.

The following comment submitted by the ARB, dated 3/5/08:

Fred Gangemi #2 - The applicant has amended the building plan to conform with not only the required setbacks but to help the proposed addition conform to the look and setback of neighboring homes. The photos clearly illustrate that the home will not be disruptive of the overall character of the neighborhood.

Comment #1: Board to discuss SEQR.

Mr. Fink: The applicant had submitted a short EAF quite some time ago. It is an Unlisted Action. The Planning Board had issued a Negative Declaration on this application. This is a request for an amended site plan approval. The only time that SEQR would be invoked would be if there were significant changes that the Planning Board felt a need to amend the Negative Declaration. At this point, I have looked at the Negative Declaration. I am not sure that there is anything that would significantly change on that document. I believe at this point SEQR has been complied with.

Comment #2: Applicant to discuss project.

Dave Getz: I believe that the Board is familiar with this project. Bob Schmick went, surveyed, and clarified the question of what was originally there and approved versus on what has been started under construction. The plans that we have submitted shows that. Jay Myrow, the attorney, faxed us today information on the dock. We are here hoping to be set for a public hearing.

- A. The reconstructed building foundation does not appear to be in the same location as shown on the approved plan.

Mr. Astorino: We understand that.

- B. Applicant is proposing a revision to the previously approved plan.

Mr. Astorino: We have that.

- C. Provide details for proposed dock. Provide a copy of the valid NYSDEC Permit including the referenced drawing.

Mr. Astorino: We have that.

Comment #3: Pay outstanding review fees.

Dave Getz: He is aware of that.

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

Zen Wojcik: Dave, do you know if the bulkhead was existing?

Dave Getz: I don't know.

Zen Wojcik: You will need to find out.

Dave Getz: Ok.

Mr. Singer: I think we heard previously that it wasn't existing.

Mr. Astorino: I think you are correct.

Mr. Showalter: There was an old dock before.

Zen Wojcik: It could have been a wooden dock going up to the land. Now, they are showing a bulkhead. If they built the bulkhead under the permit, then that should be part of the application that is before the Board.

Dave Getz: Ok. The question is was there a bulkhead there before?

Zen Wojcik: Yes.

Dave Getz: I am sure what is there now looks like it is new.

Mr. Bollenbach: Just indicate proposed. We have a comment from the CB, dated 3/5/08. We also have a comment from the ARB, dated 3/5/08.

Mr. Astorino: We need to set this project for a public hearing. Do we have everything that we need on this?

Zen Wojcik: Yes.

Mr. Astorino: Do we set this with a date?

Mr. Bollenbach: No. We would set it for the next available agenda.

Connie Sardo: You will need to send me a letter on what agenda you would want to be on for a public hearing.

Mr. McConnell makes a motion to set the Gangemi #2 application for a public hearing at the next available agenda.

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

Dave Getz: Do we need to get a letter into you requesting that?

Connie Sardo: Yes.

Dave Getz: Ok. Thank you.

Cardiac Care Systems, Inc.

Application for Sketch Plat Review of a proposed 7-Lot (Major) plus 1-Lot of Open Space Conservation Density Subdivision, entitled, "***Cascade Road Subdivision***", situated on tax parcel S 53 B 1 L 8; parcel located on the northerly side of Cascade Road 710± feet east of Cascade Park Road, in the MT zone, of the Town of Warwick. Previously discussed at the 12/5/07 Planning Board meeting.

Representing the applicant: Abe Chitsaz from Zimmerman Engineering. Bill O'Hearn from NY/NJ Trail Conference. Mahren Shiraz, Applicant.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR. (Comments by GreenPlan)
 - A. Habitat Site Investigation & Report
 - a. The Report identifies a number of forested community types on the site. As per 164-41.1E(2)[(c)[2], these vegetative cover types need to be shown on the plans along with a description of relative age and condition.
 - b. The Report states that the site contains trees ranging from 8 to 24 and 30 inches in caliper. Isolated trees of 12" or larger need to be shown on the plans and all trees over 24" as per 137-28A(8)(j).
 - B. Areas of 25% and greater slope needs to be identified; only 15% and greater now shown.
 - C. A viewshed analysis and Visual EAF Addendum need to be provided.
 - D. Soils groups need to be shown on the plans.
 - E. Stone walls (if any) need to be shown.
 - F. The Part 2 EAF and as appropriate the Part 3 EAF needs to be completed in draft form as per Planning Board policy.
 - G. Other protected open space in the vicinity of the site needs to be shown on the Site Context Plan.
 - H. The Orange County Planning Dept. says that the lots should be made smaller to protect more open space. If this is feasible, is there any reason why this cannot be accomplished?
2. Applicant to discuss project.
3. Discuss potential ownership of Conservation Parcel, Lot 8.
4. For onsite freshwater wetlands, provide a copy of the Corps of Engineers' Jurisdictional Determination and signed verification of the delineation by NYSDEC.
5. Per §164-41.2B; "the minimum lot width shall be as shown on the Table of Bulk Requirements." Revise the Minimum Lot Width in the Zoning Data table to 300 feet.
6. Shaded sight distance triangles are shown incorrectly at Sight Triangle Detail. Remove from detail. Actual sight distance at Common Driveway 'A' is less than the required minimum sight distance. Applicant to propose mitigation measures.
7. Proposed septic system absorption fields are shown in mapped soils which have been classified as Group VIII (ROC), Group IX (AC) and Group XIII (ROF) by the Town Code. Septic systems are not permitted in these soils. A particle size analysis was performed. The applicant's engineer has interpreted the results and contends that soils found in the locations of proposed absorption fields are inclusions of Group VI (SXC) soils, which are suitable for septic systems. The Town Engineer reserves judgment until percs and deeps are witnessed by the Town Engineer's representative.

8. The dwelling and absorption field locations on Lot 5 have been reconfigured. Preliminary soil tests were not taken at the current absorption field location; consequently no conclusions can be drawn regarding alternate soil types at this location until further testing is done.
9. Identify proposed culverts at Common Driveways A & B by material, size, and inverts in & out on the Plan View. Provide calculations for rip-rap aprons per the *NYS Standards*.
10. Include the following notes as a declaration, providing recoding information on the plans:
 - No construction shall commence until the plans have been signed by the Planning Board Chairman and the site contractor has attended a pre-construction meeting with the Town Engineer, providing a schedule for construction. Schedule must be regularly updated as construction progresses.
 - No building permits shall be issued until the common driveway and drainage infrastructure is constructed, in accordance with the approved plans and specifications, and certified as complete by the Town Engineer.
11. Revise Limits of Disturbance to include areas where proposed stormwater management facilities will be constructed.

SWPPP COMMENTS:

12. Applicant proposes to use dry swales and a pocket pond to manage stormwater on the site.
 - A. Provide a design for the dry swales and a detail consistent with Chapter 6 of the *Stormwater Management Design Manual*. Label the 10-year, 2-year and Water Quality elevations consistent with the narrative and calculations.
 - B. Provide a design for the pocket pond and a detail consistent with Chapter 6 of the *Stormwater Management Design Manual*. Include details of all structures. Label the Extreme Flood Control, Overbank Flood Control, Channel Protection, and Water Quality elevations consistent with the narrative and calculations. Place this note at the detail: “Woody vegetation may not be planted or allowed to grow within 15 feet of the toe of embankment and 25 feet from the principal spillway structure.”
13. Section 2.2 Construction/Site Access refers to a different project. Also, it refers to the *NY Guidelines for Urban Erosion & Sediment Control*. Revise for this project and current standards.
14. Section 2.3 Silt Fence refers to an attachment not included in the narrative. This section should also reference the current *NYS Standard*.
15. In Section 5.0 Post-Construction Maintenance Plan, note that the homeowners of this development will be responsible for the maintenance and proper operation of stormwater management facilities on this site.
16. At the stormwater management pond detail, indicate a pond buffer extending out 25 feet from the maximum water surface elevation. Prepare a Landscaping Plan for the stormwater pond and buffer area consistent with the design manual.
17. Provide the following note on the plans and in the Construction Sequence: “Consistent with the NYSDEC requirements for SPDES General Permit #GP-02-01 for Stormwater Discharges for Construction Activities, the applicant shall complete, sign and submit to the Town of Warwick Building Inspector copies of the “Monthly Summary of Site Inspection Activities” and “Quarterly Summary of Site Inspection Activities” reports.”

BEFORE FINAL APPROVAL:

18. Applicant to propose an acceptable road name and provide 9-1-1 addressing.
19. Applicant to provide signed and sealed copy of the final revised SWPPP.
20. Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners and stone cairns at the corners of conservation areas, as directed by the Town Engineer.
21. Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes and Radon Reduction Notes.

22. Provide the declaration and the recording information on the plan for maintenance of stormwater management facilities.

The following comment submitted by the Conservation Board, dated 3/5/08:

Cardiac Care Systems, Inc./ Cascade Road Subdivision - The connecting trail ROW appears to be most favorably located on the western boundary of the property where it will provide the least interference with the proposed building locations. The CB recommends against the creation of a parking area since it is not needed at that location. A site visit is recommended.

The following comment submitted by the ARB, dated 3/5/08:

Cardiac Care Systems, Inc. / Cascade Road Subdivision – ARB had no comments.

Comment #1: Board to discuss SEQR. (Comments by GreenPlan)

Mr. Fink: The Planning Board has already declared itself Lead Agency on this application. We are reviewing it with a full EAF. We have a habitat investigation report that was completed by Robert Torgersen to date. There are a number of SEQR comments in the review comments that need to be addressed.

A. Habitat Site Investigation & Report

- a. The Report identifies a number of forested community types on the site. As per 164-41.1E(2)(c)[2], these vegetative cover types need to be shown on the plans along with a description of relative age and condition.

Mr. Singer: Maybe they could explain the forested community types?

Mr. Fink: There are a number of them. There are Appalachian Old Hickory Forest, a Red Maple, and a Hemlock Northern Forest. Those are the (3) distinct vegetative community types.

Mr. Singer: Ok.

Mr. Fink: NYS has classified vegetative types throughout the State. There quite a broad range of them. Someone like Robert Torgersen looks at these things. He puts them into the categories that the State has established.

Mr. Singer: Does that mean they could be disturbed?

Mr. Fink: No. What they do is rank each vegetative community types. Some are quite unique in the State. Some of them might involve endangered species. You would have to look at them on a case-by-case basis. You would have to look at them very carefully. There are sometimes records of endangered species especially in certain areas of the Town that involves as we had found out on other projects for instance; rattlesnakes, bog turtles, Indiana bats, and so forth. He did look at that. He looked specifically for Indiana bats, bog turtles in his habitat assessment.

Mr. Singer: Thank you.

Mr. Astorino: Are you all right with that?

Abe Chitsaz: Yes.

- b. The Report states that the site contains trees ranging from 8 to 24 and 30 inches in caliper. Isolated trees of 12" or larger need to be shown on the plans and all trees over 24" as per 137-28A(8)(j).

Abe Chitsaz: We could do that.

- B. Areas of 25% and greater slope needs to be identified; only 15% and greater now shown.

Abe Chitsaz: What date is the letter that you are reading?

Mr. Astorino: Zen, when did you review this?

Mr. Bollenbach: It is from the meeting of March 5, 2008.

Zen Wojcik: It is from the sketch review plan. Abe, did you get the one today from Connie?

Abe Chitsaz: Yes. I have a copy right here.

Zen Wojcik: These are Greenplan's comments.

Connie Sardo: I sent over the comments today. Do you have the comments?

Abe Chitsaz: I have the comments from Zen.

Connie Sardo: But, today I faxed to you the comments for tonight's meeting.

Zen Wojcik: That is probably what is confusing him.

Abe Chitsaz: Yes.

Mr. Astorino: Zen, is there anything here? Do you want to go through them one by one?

Zen Wojcik: These are Greenplan's comments. They are the ones from A to H.

Mr. Bollenbach: If you have any specific questions, you could get in touch with Ted. I believe it is (2) different shadings greater than the 15% of the 25%. It would be different shading types so you could show the differentiation.

Abe Chitsaz: Ok.

- C. A viewshed analysis and Visual EAF Addendum need to be provided.

Mr. Fink: This is in the Ridgeline Overlay District. That is a standard note that we ask for. That would need to be provided.

Mr. Astorino: These are straight forward standard notes.

Abe Chitsaz: Yes. I believe you have that note in there.

Mr. Astorino: We need to see the viewshed analysis.

Abe Chitsaz: Ok.

Mr. Fink: I haven't seen a viewshed analysis.

Connie Sardo: We have not received one yet.

Mr. Fink: I didn't think so.

Zen Wojcik: Abe, I could give you an example.

Abe Chitsaz: Ok.

Mr. Singer: Ted, are you sure that side of the road is in the Ridgeline Overlay District?

Mr. Bollenbach: It is based on elevation.

Mr. Astorino: Carl, I am almost sure that it is in the Ridgeline Overlay.

D. Soils groups need to be shown on the plans.

Abe Chitsaz: I believe they are on sheets 3 of 6.

Mr. Astorino: It seems like here that there was some miscommunication. Maybe, you should give our Professionals, Ted and Zen a call about these comments and try to get on the same page. We are not going anywhere quickly. These are initial comments here. We are not doing a whole lot here. In my mind, we are spinning wheels here. Maybe, we could have Mr. O'Hearn speak about the trail. You will need to call the Professionals on these comments. We will list comments 1 through 22 for the record.

Abe Chitsaz: Ok.

E. Stone walls (if any) need to be shown.

F. The Part 2 EAF and as appropriate the Part 3 EAF needs to be completed in draft form as per Planning Board policy.

G. Other protected open space in the vicinity of the site needs to be shown on the Site Context Plan.

H. The Orange County Planning Dept. says that the lots should be made smaller to protect more open space. If this is feasible, is there any reason why this cannot be accomplished?

Comment #2: Applicant to discuss project.

Comment #3: Discuss potential ownership of Conservation Parcel, Lot 8.

Comment #4: For onsite freshwater wetlands, provide a copy of the Corps of Engineers' Jurisdictional Determination and signed verification of the delineation by NYSDEC.

Comment #5: Per §164-41.2B; "the minimum lot width shall be as shown on the Table of Bulk Requirements." Revise the Minimum Lot Width in the Zoning Data table to 300 feet.

Comment #6: Shaded sight distance triangles are shown incorrectly at Sight Triangle Detail. Remove from detail. Actual sight distance at Common Driveway 'A' is less than the required minimum sight distance. Applicant to propose mitigation measures.

Comment #7: Proposed septic system absorption fields are shown in mapped soils which have been classified as Group VIII (ROC), Group IX (AC) and Group XIII (ROF) by the Town Code. Septic systems are not permitted in these soils. A particle size analysis was performed. The applicant's engineer has interpreted the results and contends that soils found in the locations of proposed absorption fields are inclusions of Group VI (SXC) soils, which are suitable for septic systems. The Town Engineer reserves judgment until perc and deeps are witnessed by the Town Engineer's representative.

Comment #8: The dwelling and absorption field locations on Lot 5 have been reconfigured. Preliminary soil tests were not taken at the current absorption field location; consequently no conclusions can be drawn regarding alternate soil types at this location until further testing is done.

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- No building permits shall be issued until the common driveway and drainage infrastructure is constructed, in accordance with the approved plans and specifications, and certified as complete by the Town Engineer.

Comment #11: Revise Limits of Disturbance to include areas where proposed stormwater management facilities will be constructed.

SWPPP COMMENTS:

Comment #12: Applicant proposes to use dry swales and a pocket pond to manage stormwater on the site.

A. Provide a design for the dry swales and a detail consistent with Chapter 6 of the *Stormwater Management Design Manual*. Label the 10-year, 2-year and Water Quality elevations consistent with the narrative and calculations.

B. Provide a design for the pocket pond and a detail consistent with Chapter 6 of the *Stormwater Management Design Manual*. Include details of all structures. Label the Extreme Flood Control, Overbank Flood Control, Channel Protection, and Water Quality elevations consistent with the narrative and calculations. Place this note at the detail: "Woody vegetation may not be planted or allowed to grow within 15 feet of the toe of embankment and 25 feet from the principal spillway structure."

Comment #13: Section 2.2 Construction/Site Access refers to a different project. Also, it refers to the *NY Guidelines for Urban Erosion & Sediment Control*. Revise for this project and current standards.

Comment #14: Section 2.3 Silt Fence refers to an attachment not included in the narrative. This section should also reference the current *NYS Standard*.

Comment #15: In Section 5.0 Post-Construction Maintenance Plan, note that the homeowners of this development will be responsible for the maintenance and proper operation of stormwater management facilities on this site.

Comment #16: At the stormwater management pond detail, indicate a pond buffer extending out 25 feet from the maximum water surface elevation. Prepare a Landscaping Plan for the stormwater pond and buffer area consistent with the design manual.

Comment #17: Provide the following note on the plans and in the Construction Sequence: "Consistent with the NYSDEC requirements for SPDES General Permit #GP-02-01 for Stormwater Discharges for Construction Activities, the applicant shall complete, sign and submit to the Town of Warwick Building Inspector copies of the "Monthly Summary of Site Inspection Activities" and "Quarterly Summary of Site Inspection Activities" reports."

BEFORE FINAL APPROVAL:

Comment #18: Applicant to propose an acceptable road name and provide 9-1-1 addressing.

Comment #19: Applicant to provide signed and sealed copy of the final revised SWPPP.

Comment #20: Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners and stone cairns at the corners of conservation areas, as directed by the Town Engineer.

Comment #21: Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes and Radon Reduction Notes.

Comment #22: Provide the declaration and the recording information on the plan for maintenance of stormwater management facilities.

Bill O'Hearn: I am from the NY/NJ Trail Conference. Just to give you a quick introduction, the direct conference is working with another project with the same owner/developer, Mr. Shiraz in Monroe. He spoke to us and said that we are doing a project in Warwick and maybe you would be interested in accepting a donation of some land and talk about working a trail through the development. That is how we got involved. It was my understanding that at first there was some discussion about a straight line extension along this portion getting back to the larger conservation area in the back. We looked at that today. It is extremely soft. There are wetlands located there. We proposed another way to go. The way to go would be to follow the Federal wetlands line that was marked for us today by the Engineers this way.

Mr. Astorino: That makes more sense.

Bill O'Hearn: Yes. You would forget this gap here, then coming up, and straight back.

Mr. Astorino: That makes sense.

Mr. Singer: Is that wet?

Bill O'Hearn: The way that it is marked, it is moving upland. The nice thing about it is that there is a little bit of a rise going this way so that there is privacy for the houses and the hikers.

Mr. O'Hearn shows the Planning Board a plan of the trail that they would like to do and explains to the Planning Board where it would be going and what it would look like. The Planning Board likes what they see regarding this trail for the Cascade Road subdivision. Mr. O'Hearn and the applicant are excited that they might be able to make this connection. They have also spoken to Supervisor Sweeton about this proposed trail. Mr. O'Hearn goes on and says that with the 70± acres out of the 103 or 108 acres that are donated to them, it

could eventually be handed over to the County Park to manage it. NY/NJ Trail Conference does not manage land. They manage trails. They have a network of volunteers that they call maintainers and supervisors. They are responsible to go out (2) or (3) times a year to make sure that everything is maintained. Mr. O'Hearn will send copies of this map that he showed to the Planning Board regarding the trail in the near future.

Mr. Astorino: Very good. Thank you. Is the Planning Board ok with the trail going in that general vicinity?

Mr. McConnell: Yes.

Mr. Singer: They will need to submit that to us.

Mr. Astorino: Yes. You will need to show us that on a further submittal.

Abe Chitsaz: Sure.

Mr. Astorino: Maybe, you could show that in some color.

Bill O'Hearn: Ok.

Mr. Astorino: You will need to contact our Engineer on these other comments.

Abe Chitsaz: Yes.

Mr. Astorino: We have a comment from the CB, dated 3/5/08.

Mr. Bollenbach: Has the Board done a site visit?

Mr. Astorino: No.

Mr. McConnell: No.

Mr. Bollenbach: Would the Board like to consider doing a site visit?

Mr. Astorino: We could do it when the water goes down.

Mr. McConnell: Absolutely. We could do that sometime in May.

Mr. Astorino: Ok. You will need to get in touch with our Professionals on these comments and submit us a map on this proposed trail.

Abe Chitsaz: Ok. 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.

Representing the applicant: Tom Hitchins, Architect.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
 - A. Visual EAF Addendum.
2. Applicant to discuss project.
3. Applicant has provided an Amended Site Plan.
 - A. Label Revision 3 as “Boat House Roof Deck, Access Bridge, Stone Retaining Wall”.
 - B. Revise the “Approved” note: “Site Plan for addition to existing house within the Designated Protection Area of Greenwood Lake approved 11/3/04.”
 - C. On the call-out for “Area of squareing off ...”, note that this refers to the previous approval.
4. Provide a sight line analysis per the Town Planner’s specifications.
5. In lieu of the erosion control measures for the proposed land disturbance shown on the plan, place the following note and remove reference to and detail for silt fence. “Soil disturbance for the work shown on these plans is limited to auger excavation for pier foundations and foundation excavation for a stone retaining wall. The excavated material shall be removed as soon as possible and either placed and seeded elsewhere on the property or removed from the site. Under no circumstances shall the material be stockpiled on this site without being covered by a tarp or erosion control material.”

The following comment submitted by the CB, dated 3/5/08:

Oscar Blandi #2 – CB has no further comments.

The following comment submitted by the ARB, dated 3/5/08:

Oscar Blandi #2 - Applicant has added the suggested refinements to the railing surrounding the proposed deck. The proposed conversion of the roof to a deck conforms to the lakeside character and use of the homes in the neighborhood. We appreciate this sensitive renovation of this unique landmark.

Comment #1: Board to discuss SEQR.

- A) Visual EAF Addendum.

Mr. Fink: The Planning Board had declared Lead Agency on this application. We have been reviewing it with a short EAF. It is an Unlisted Action. There were a couple of things that came up since the Work Session that are related to SEQR. When you look at the building elevation, would the placement of the roof elevation rise at all, or would it be the same?

Tom Hitchins: It would be lower. We are taking the hip roof off. We are working off the existing top plate of the wall. We are taking the hip roof off and putting a flat deck on it. It will be lower than it was before.

Mr. Fink: Ok. This comment relates to comment #1-A about a visual EAF Addendum. On the basis of having a reduced impact, I am not sure if it is even necessary to submit a Visual EAF.

Mr. Astorino: It doesn't sound like it at all.

Mr. Bollenbach: No.

Mr. Fink: Also, there are quite a number of lights shown on the post for the deck. There was nothing discussed about the wattage. What kind of lights are they to be? Would they be little solar lights?

Tom Hitchins: They would be small LED Lights. You have seen them. They are a stocked item.

Mr. Bollenbach: Are they low voltage?

Tom Hitchins: Yes.

Mr. Showalter: They are low voltage?

Tom Hitchins: Yes. It is low voltage wiring.

Mr. Fink: Ok.

Comment #2: Applicant to discuss project.

Mr. Astorino: There is not more that could be said than what has been said already.

Comment #3: Applicant has provided an Amended Site Plan.

- A. Label Revision 3 as "Boat House Roof Deck, Access Bridge, Stone Retaining Wall".

Tom Hitchins: That has been done.

- B. Revise the "Approved" note: "Site Plan for addition to existing house within the Designated Protection Area of Greenwood Lake approved 11/3/04."

Tom Hitchins: Yes. That was added.

- C. On the call-out for "Area of squaring off ...", note that this refers to the previous approval.

Tom Hitchins: That has been done.

Comment #4: Provide a sight line analysis per the Town Planner's specifications.

Mr. Astorino: That is not needed. We could strike comment #4.

Mr. Fink: Right. That could be stricken.

Comment #5: In lieu of the erosion control measures for the proposed land disturbance shown on the plan, place the following note and remove reference to and detail for silt fence. "Soil disturbance for the work shown on these plans is limited to auger excavation for pier foundations and foundation excavation for a stone retaining wall. The excavated material shall be removed as soon as possible and either placed and seeded elsewhere on the property or removed from the site. Under no circumstances shall the material be stockpiled on this site without being covered by a tarp or erosion control material."

Tom Hitchins: That note is on the plan.

Connie Sardo: Mr. Chairman, we need to add a comment #6, pay outstanding review fees.

Mr. Astorino: Ok. We will add a comment #6, pay outstanding review fees.

Mr. Bollenbach: We have a comment from the CB, dated 3/5/08. We also have a comment from the ARB, dated 4/5/08.

Mr. Astorino: Ok. We need to set this project for a public hearing at the next available agenda.

Mr. McConnell makes a motion to set the Oscar Blandi #2 application for a public hearing at the next available agenda.

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

Connie Sardo: Would you be submitting revised plans?

Tom Hitchins: I will have Donna give you a call about that.

Connie Sardo: Ok.

Tom Hitchins: Thank you.

Lands of Christopher and Cynthia Schenk

Application for Sketch Plat Review of a proposed lot line change, situated on tax parcels S 54 B 1 L 11.1 and 11.2; parcels located on the southeastern side of NYS Route 17A 840 feet south of Ketchum Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Jim Ramos from Kirk Rother Engineering. Christopher Schenk, Applicant.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. FOR THE RECORD - The proposed septic system shown on Lot 11.2 has been approved by the Building Department. A Building Permit has been issued for the lot.
4. Place the following note on the plan: "All outdoor lights shall be designed, located, installed, and directed in such manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property. The prohibitions and requirements listed in Sections 164-43.4 and -47.1F(5) of the Town Code shall apply to all proposed and existing outdoor lighting fixtures." Show on the plan the type of lighting fixtures at the pond, driveway entrance and driveway. Show that they comply with the Town Code.
5. A common driveway for Lots 11.1 & 11.2 is shown. Note that the common portion of the driveway shall be paved in compliance with §164-41.2K. Provide a detail.
6. Provide name and license number of surveyor.
7. Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners.
8. Pay outstanding review fees.

The following comment submitted by the Conservation Board, dated 3/5/08:

Lands of Christopher and Cynthia Schenk – CB has no comments.

The following comment submitted by the ARB, dated 3/5/08:

Lands of Christopher and Cynthia Schenk – ARB has no comments.

Comment #1: Board to discuss SEQR.

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

Mr. Showalter makes a motion for Lead Agency.

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

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

Name of Action: Schenk Re-Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by Christopher and Cynthia Schenk for a ± 26 acre parcel of land located at 186 NYS Route 17A, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 2/13/08 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.

Jim Ramos: We are looking to do a simple lot line change on (2) approved lots. The reason that we want to do a lot line change is because the larger portion in the back, SBL # 54-1-11.2, would like to have the tennis courts on their land.

Comment #3: FOR THE RECORD - The proposed septic system shown on Lot 11.2 has been approved by the Building Department. A Building Permit has been issued for the lot.

Comment #4: Place the following note on the plan: "All outdoor lights shall be designed, located, installed, and directed in such manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property. The prohibitions and requirements listed in Sections 164-43.4 and -47.1F(5) of the Town Code shall apply to all proposed and existing outdoor lighting fixtures." Show on the plan the type of lighting fixtures at the pond, driveway entrance and driveway. Show that they comply with the Town Code.

Jim Ramos: Ok.

Comment #5: A common driveway for Lots 11.1 & 11.2 is shown. Note that the common portion of the driveway shall be paved in compliance with §164-41.2K. Provide a detail.

Jim Ramos: I believe an application was sent to the State. We have a permit that was issued for that. That is in the Town's possession.

Chris Schenk: That was sent to the Building Department. They have that.

Zen Wojcik: That is the permit, but that has nothing to do with the paving. That is a Town requirement.

Mr. Astorino: That would be for the paving of the driveway.

Zen Wojcik: Right.

Chris Schenk: That is on there. It is a State requirement.

Zen Wojcik: The State requirement is within their R.O.W.

Mr. Astorino: But, it is not the entire driveway.

Zen Wojcik: There is the commonality of the driveway that the Town wants paved.

Jim Ramos: You want that detail added to the plan. We will show that detail on the plan.

Chris Schenk: That is only for the common portion of the driveway.

Mr. Astorino: Yes.

Jim Ramos: Ok.

Comment #6: Provide name and license number of surveyor.

Jim Ramos: We sent it to John McGloin, the surveyor. It will be added to the plan.

Comment #7: Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners.

Jim Ramos: Ok.

Comment #8: Pay outstanding review fees.

Jim Ramos: Ok.

Mr. Astorino:

Mr. McConnell: Are there lights on the tennis court?

Chris Schenk: No.

Zen Wojcik: There are lights around the pool.

Chris Schenk: There is no pool.

Zen Wojcik: On the map, it shows a pool.

Jim Ramos: It is a pond.

Chris Schenk: There are lights on the pond.

Mr. McConnell: So, there are no lights on the tennis court.

Chris Schenk: No. There will not be.

Mr. Singer: Would the driveway be moved from where it is now?

Chris Schenk: No. The State is requiring us to widen it about 5 feet.

Mr. Astorino: In the past, when there is construction proposed, we would usually have a public hearing.

Mr. Bollenbach: yes.

Mr. Astorino: That is usually the protocol from the Board.

Mr. Bollenbach: We need to add a comment #9, provide declaration for the Ridgeline Overlay, Ag Notes, and common driveway. We need to add a comment #10, provide a Visual EAF. Yes, a building permit was issued, but construction and inspections haven't been done yet. The Board will need to review the location of the proposed dwelling on the site and if there would be a necessity for any mitigation plantings, screening, and so forth.

Zen Wojcik: John that would be for the Visual EAF and the Line-of-Sight Analysis.

Mr. Bollenbach: Yes.

Mr. Singer: Has the State told you which way the 5 feet should be?

Chris Schenk: Yes. The way it is shown now, most of the driveway is on the existing piece. We are going uphill a little bit.

Mr. Singer: Are you going to disturb any of those Weeping Willow trees?

Chris Schenk: I think O&R will be disturbing those Weeping Willow trees. Many of those trees are lying on the lawn now. My intention is to plant conifers there.

Mr. Bollenbach: They are within the State R.O.W.?

Mr. Astorino: Willow trees are brutal trees.

Chris Schenk: Do you like those trees?

Mr. Singer: I like them.

Mr. McConnell: How many do you have of those on your property?

Mr. Singer: I have about 8 of them.

Mr. Bollenbach: Willow trees are a prohibited species in the Town because they are a nuisance.

Mr. Astorino: We will need to set this for a public hearing at the next available agenda.

Mr. Showalter makes a motion to set the Lands of Christopher and Cynthia Schenk application for a Final public hearing at the next available agenda.

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

Mr. Bollenbach: You will have to get us this additional information, the Visual EAF and the Line-of-Sight Analysis. You will have to revise the maps accordingly. Submit those things to the Planning Board with the request to be placed on an agenda. Once you submit the information, we will place it on a work session. You are welcome to come to the work session. At that work session, the Board will let you know when you would be on for a public hearing.

Jim Ramos: Ok. Thank you.

Other Considerations:

1. **Cedar Ridge Subdivision** – Letter from Kirk Rother, P.E., dated 2/25/08 addressed to the Planning Board – in regards to Cedar Ridge Subdivision requesting a 6th 6-Month Extension on Preliminary Approval of a proposed 36-Lot Subdivision, SBL # 7-2-51.2. Preliminary Approval was granted on 3/2/05. The 6th 6-Month Extension becomes effective on, 3/2/08.

Mr. McConnell makes a motion on the Cedar Ridge Subdivision, granting a 6th 6-Month Extension on preliminary approval of a proposed 36-Lot subdivision. Preliminary Approval was granted on 3/2/05. The 6th 6-Month Extension becomes effective on, 3/2/08.

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

2. **Fotino-McConnell Subdivision** – Letter from Stage, Nathans, & Ziobro, dated 2/26/08 – in regards to the Fotino-McConnell Subdivision requesting a 90-Day Extension on Final Approval of a proposed 3-Lot Subdivision, SBL # 24-1-46. Final Approval was granted on 9/19/07. The 1st 90-Day Extension becomes effective on, 3/19/08.

Connie Sardo: They are almost done.

Mr. McConnell: Do we know what the holdup was?

Connie Sardo: They are almost done. The final maps are in the process of being signed. It is a matter of their engineer getting in the mylers to us for signature. The paper copies of the maps came in and the owners have signed those. I am waiting for the mylers to come in and be signed.

Mr. McConnell: The reason that I ask the question is because I sit in on a committee with Mrs. McConnell who is not related to me. I have heard some unhappiness on how long it has taken for her to donate and do this. I would like to be sure that it is not this Board that is responsible.

Mr. Astorino: We have all heard. The Board is not responsible.

Mr. McConnell: I wanted to have it on record that this Board is not responsible.

Connie Sardo: It is the matter of their engineers getting the stuff in to us.

Mr. McConnell: It is the responsibility of their engineers.

Mr. Bollenbach: It was their engineer and their attorney. I believe it was also the matter of negotiation with the Audubon Society. Mrs. McConnell could be a little difficult to deal with at times. There were a lot of holdups.

Mr. McConnell makes a motion on the Fotino-McConnell Subdivision, granting a 1st 90-Day Extension on final approval of a proposed 3-Lot Subdivision. Final Approval was granted on 9/19/07. The 1st 90-Day Extension becomes effective on, 3/19/08.

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

3. **Planning Board Minutes of 2/6/08** – for Planning Board Approval. (On 2/26/08 @ 4:30 p.m. – I emailed minutes to PB).

Mr. Showalter makes a motion to Approve the February 6, 2008 Planning Board minutes.

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

4. **Black Meadow Club** – Received Article 78, dated 2/19/08 from the Supreme Court of the State of New York.

Mr. Astorino: I don't think that was a surprise to anyone.

Mr. Singer: John, could you summarize that for us?

Mr. Bollenbach: A copy of the Article 78 is in your packets. The Article 78 challenges the determination of the Board. They are contesting the approval that we have given. It is straight forward. We will have to crank it out. Read it over. If you have any specific questions, we could discuss it at an executive session at the next work session.

Correspondences:

Mr. Astorino: There are no correspondences tonight.

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.

Nancy Owen: Regarding the Gangemi project, is that the Gangemi that had built his porch too big? Is it the same project?

Mr. Astorino: Yes. It is the same house.

Nancy Owen: Ok. Regarding the Black Meadow Club Article 78, who filed that?

Mr. Astorino: I think it was the Hambletonian Hills.

Mr. Bollenbach: Do you want a copy of it?

Mr. McConnell: It is the Grange, LLC., and the Hambletonian Hills Homeowners Association.

Nancy Owen: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address any of the agenda items? Let the record show no further public comment.

Mr. Singer makes a motion to adjourn the March 5, 2008 Planning Board meeting.

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