

TOWN OF WARWICK PLANNING BOARD

March 18, 2009

Members present: Chairman, Benjamin Astorino
Russell Kowal, Dennis McConnell
Roger Showalter, Carl Singer
Zen Wojcik, Tectonic Engineering
J. Theodore Fink, Greenplan
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, March 18, 2009 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

Review of Submitted Maps:

Lands of Allan and Maureen Mante

Application for Sketch Plat Review of a proposed 2-Lot (**Major**) subdivision, situated on tax parcel S 47 B 1 L 78.234; parcel located on the eastern side of Bellvale Lakes Road and 2,725 feet south of Rabbit Hill Road, in the MT zone, of the Town of Warwick.

Representing the applicant: Kirk Rother, Engineer.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. Applicant to obtain a 280-a variance from ZBA. Place full text of variance on plans.
4. All symbols and linetypes shall be shown in the Legend.
5. Provide a reference to a filed survey or a survey of the site signed and sealed by a NYPLS. Field verify the topography in the proposed development area. Complete the reference to the filed map in General Note #2.
6. Wetlands are noted on the plan. Cite the wetland delineator and date and the jurisdiction of the wetlands. Did the wetland delineator check for wetlands associated with seeps, etc., on proposed Lot #2?
7. Soils in the proposed development location have been mapped as SXD, a Group XII soil where septic systems shall not be installed, according to §137 Appendix A. Applicant's engineer should consider whether the mapped soil is consistent with the site and either relocate the development area or, following the Planning Board's "poor soil" protocol, confirm that the soil in the development area is a suitable type inclusion.
8. Show how stormwater runoff from the developed area and the extended driveway will be managed.
9. The proposed lot does not accommodate the Town's square rule. Applicant requests a waiver.
10. Provide sight distance triangles at driveway / road intersection (ref. NYSDOT Highway Design Manual §5.9.5). Dimension sight triangles. Indicate that actual sight distance equals

or exceeds minimum sight distance. Include a note that the area of the triangles shall be kept free from visual obstructions

11. Ridgeline Overlay District RL-02 is defined as being all terrain El. 700 and higher east of the Wawayanda Valley. Revise the location of the RL-02 on the plan.
12. Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes, Agricultural Notes, Aquifer Protection Overlay Notes, and Private Road Use and Maintenance Agreement Notes.

WAIVERS & EXEMPTIONS

<i>CODE</i>	<i>ACTIVITY</i>
§137-21K.(1)	Shape of lots. Waiver from the requirement to inscribe a 350-foot square within the proposed lot's boundary.

The following comment submitted by the Conservation Board:

Lands of Allan & Maureen Mante – None submitted.

The following comment submitted by the ARB, dated 3/18/09:

Lands of Allan & Maureen Mante – ARB had no comment.

Comment #1: Board to discuss SEQR.

Mr. Fink: The applicant has provided the Planning Board with a short EAF. It is an Unlisted Action. The application does involve getting a variance from the ZBA. The applicant needs to go to the ZBA for 280a variance. Once the applicant comes back from the ZBA, then the Planning Board could declare Lead Agency.

Mr. Astorino: Ok.

Comment #2: Applicant to discuss project.

Kirk Rother: The application before the Board is for a proposed 2-Lot subdivision. The proposed subdivision is located on approximately 11.9 acres of land. The property is located on the eastern side of Bellvale Lakes Road in the MT zone. This lot was part of a 4-Lot subdivision that was filed in the mid 1970's. There is currently one existing single-family residence on the parcel served by a common driveway/private road. The applicant would like to subdivide off the existing residence along with approximately 5 acres. The remaining lands of approximately 7 acres would be with the proposed new single-family residence.

Comment #3: Applicant to obtain a 280-a variance from ZBA. Place full text of variance on plans.

Kirk Rother: Right.

Comment #4: All symbols and linetypes shall be shown in the Legend.

Kirk Rother: Ok.

Comment #5: Provide a reference to a filed survey or a survey of the site signed and sealed by a NYPLS. Field verify the topography in the proposed development area. Complete the reference to the filed map in General Note #2.

Kirk Rother: Ok.

Comment #6: Wetlands are noted on the plan. Cite the wetland delineator and date and the jurisdiction of the wetlands. Did the wetland delineator check for wetlands associated with seeps, etc., on proposed Lot #2?

Kirk Rother: Right. Those wetlands are shown on a map that was provided to me by the surveyor. I don't know the date of the delineation. I will try to get that. If not, we might have to delineate it again.

Comment #7: Soils in the proposed development location have been mapped as SXD, a Group XII soil where septic systems shall not be installed, according to §137 Appendix A. Applicant's engineer should consider whether the mapped soil is consistent with the site and either relocate the development area or, following the Planning Board's "poor soil" protocol, confirm that the soil in the development area is a suitable type inclusion.

Kirk Rother: Right. This would be an incidence where the topography shows the soil types. The soil maps get into D type topography. The actual topography is much flatter than that. We would go through the poor soil protocol.

Comment #8: Show how stormwater runoff from the developed area and the extended driveway will be managed.

Kirk Rother: Ok.

Comment #9: The proposed lot does not accommodate the Town's square rule. Applicant requests a waiver.

Kirk Rother: Yes..

Comment #10: Provide sight distance triangles at driveway / road intersection (ref. NYSDOT Highway Design Manual §5.9.5). Dimension sight triangles. Indicate that actual sight distance equals or exceeds minimum sight distance. Include a note that the area of the triangles shall be kept free from visual obstructions

Kirk Rother: Will do.

Comment #11: Ridgeline Overlay District RL-02 is defined as being all terrain El. 700 and higher east of the Wawayanda Valley. Revise the location of the RL-02 on the plan.

Kirk Rother: Yes. This is a discrepancy. If you scale it off to our RL maps versus the actual topography, we would move it to the east roughly 20 feet or so.

Comment #12: Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes, Agricultural Notes, Aquifer Protection Overlay Notes, and Private Road Use and Maintenance Agreement Notes.

Kirk Rother: Ok.

WAIVERS & EXEMPTIONS

<i>CODE</i>	<i>ACTIVITY</i>
§137-21K.(1)	Shape of lots. Waiver from the requirement to inscribe a 350-foot square within the proposed lot's boundary.

Mr. Astorino: You will be going to the ZBA for the 280a variance. Regarding the waiver, we discussed that at the Work Session. The Board is aware of that.

Kirk Rother: Yes.

Connie Sardo: There are no comments from Conservation Board and the ARB on this application.

Kirk Rother: Thank you.

Fairgrounds Project Phase #2

Application for “**Amended**” Site Plan Approval and Special Use Permit for the construction and use of commercial/retail facilities totaling 24,981 square feet in two buildings, situated on tax parcel S 51 B 1 L 40.1; project located on the northern side of NYS Route 94 approximately 1,000 feet east of Orange County Route 21, in the DS/OI zones, of the Town of Warwick.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Adrian Goddard from Goddard Development & Associates. John Cappello, Attorney from Jacobowitz & Gubits.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. Complete the items required by the Site Plan Checklist, including but not limited to:
 - a. Erosion Control Plan
 - b. Lighting Plan
 - c. Construction Phasing Plan
 - d. Drainage and Utility Profiles
 - e. Architectural Plans
4. Show the limit of disturbance on the plans. Provide sketches for back-up of the “Land Use Data” calculation provided.
5. According to the Parking Space Calculations, more parking spaces are proposed than are necessary. The location of parking does not conform to the Town’s Design Guidelines. Applicant to discuss.
6. The southerly-most retail building is immediately adjacent to the Marginal Access Road R.O.W. Per §164-42F(3)(b)[3][b][ii], a 100-foot setback is required. Board and applicant to discuss Marginal Access Road.
7. SWPPP and Drainage Calculations comments:
 - a. Identify all proposed stormwater facilities and provide a completed “Stormwater Drainage System Data” table.
 - b. Identify the Bioretention Basin W3 and FES C4 on the plan. Show the location of maintenance access drives for all stormwater management facilities.
 - c. Provide Time of Concentration (Tc) worksheets for existing and proposed conditions.
 - d. Revise the flood elevations, outlet structure details, and emergency spillway elevations as required on the Stormwater System Details sheet for the current design. Provide a detail for the inlet or chamber proposed for the structure previously identified as C1E2.
 - e. Update the Stormwater System Profiles sheet.
8. Identify all proposed sanitary sewer facilities and provide a completed “Sanitary Sewer Chart” on the plan.
 - a. The Water Use/Wastewater Flows calculation notes that the hydraulic loading (utilized in the DEIS) attributed for a Hannaford supermarket was 3,800 gpd while the revised calculation attributes 1,922 gpd for a Price Chopper supermarket – approximately 50% less. Applicant to discuss.
 - b. Board and applicant to discuss a sewer stub for future connections

9. Proposed modification of Lot #1 will generate 18% to 19% more traffic during the Saturday peak hour than the previous proposal, according to the revised Traffic Report. Board and applicant to discuss.
 - a. Provide copies of notification letters to police, fire department and emergency services. Board to consider requesting the applicant to provide sufficient information to determine response time pre- and post-development.
10. Show locations of fire lanes adjacent to proposed buildings.
11. Show the sight triangle for traffic exiting the southerly-most access road to the proposed Lot #1 parking area. Revise the location and/or type of landscaping to provide clear sight lines.
12. The use of the space between the grocery store and larger retail building is not clear. Delineate the pavement consistent with the Pavement Delineation Plan provided in the previous approval and/or define areas that are proposed for landscaping.
13. Applicant to discuss potential uses of retail buildings.
14. The area between the proposed commercial development of Lot #1 and the stormwater management facilities is currently a fallow field. Provide a landscaping concept for this area. Include relevant landscaping for the stormwater management facilities from the previously approved plan.

The following comment submitted by the Conservation Board:

Fairgrounds Project Phase #2 – None submitted.

The following comment submitted by the ARB, dated 3/18/09:

Fairgrounds Project Phase #2 - The ARB is very concerned by the significant changes proposed to the second stage of development. The use has been changed significantly – which will create significant impacts on water use, traffic impacts, volume and impacts from waste water treatment and discharge, as well as the economic impacts of the development on the community. All of these items were addressed in the original EIS under the presumption that the two sites would have only the car dealership, a supermarket and one pad site for a single retail or service business. DEC approval of the water treatment plant was predicated upon the two main uses only, and per DEC, changes will require new approvals.

The original proposal has only one pad site, and this proposal introduces a second pad site.

Parking as proposed does not comply with existing design guidelines and guidelines which are being enforced on neighboring development. Impervious surfaces have been significantly increased.

These changes are significant enough that the applicant should go back and submit new impact studies for at least the items underlined above. There are ten years of precedent that could lead to having the applicant re-submit a new application for the second phase, so revisiting and updating the impact studies to reflect proposed use is a modest request. New elevations and designs for all sides of all buildings, based upon realistic footprints must be submitted to the ARB for review and for combined review with the Planning Board.

We are further concerned with the blatant mediocre strip-mall layout proposed for the site which is not in compliance with the Town's stated guidelines for commercial development.

We are also concerned with the easement for the marginal access road from two standpoints.

As indicated on the map, the marginal access road does not create any real connectivity or traffic flow either on the two parts of the Fairgrounds project nor in connecting to neighboring projects/lots. Further, as proposed, it dumps traffic onto bottlenecks on Route 94, will significantly increase traffic on Sanfordville Road near the school, and will create a bottleneck where it intersects with the access drive/road to the Fairgrounds project. The applicant is not solely responsible for this, as the Town has required the road, saying it is needed for the Route 94S master plan to mitigate the need for the widening of Route 94 S – which is shown on the proposed plan as being widened. In addition to the applicant re-submitting based upon the changed impacts and re-designing to meet Town guidelines and to mitigate the impacts, the **Town** is obligated to finish the long-touted and long-promised master development plan for the Route 94 S corridor. It is unrealistic for the Town to expect the applicant to deed land for a marginal access road (let alone construct a portion of it) without the Town having a firm plan in hand rather than using the “Topsy approach” to development. This places an unnecessary burden on applicant, jeopardizes the value of his property and success of his development and potentially creates negative impacts on the community rather than having a well-designed plan to which an applicant can respond and design a proposed development.

Mr. Astorino: Before we go onto the comments, we have a memo from the Town of Warwick Supervisor, dated 3/17/09. The memo is stated as follow:

To: Planning Board Chairman Astorino

From: Supervisor Sweeton

Re: Potential Zoning Changes

As you know the Town Board has been meeting to revise the 2002 Zoning Code. One area that may undergo significant changes is the Rt. 94 Commercial Corridor. I will keep your board aware of proposed changes so that you may have the latest information when considering proposed projects in the area. We anticipate completing this work by early summer.

Mr. Astorino: Just a heads up to the applicant, the Town Board is currently working on that corridor. Whatever changes happen, they would be forwarded to you ASAP.

Mr. Singer: Ben, how long have they been working on it?

Mr. Astorino: It has been in the process for awhile now. It goes back to when the hospital was proposed to go onto the Miller property. Ted, maybe you could clarify on that. Does that go back on when the hospital was proposed?

Mr. Fink: Right. Yes.

Dave Getz: Could that include changes to the Zoning Regulations?

Mr. Astorino: I would believe so.

Adrian Goddard: We have made the application now.

Dave Getz: How would it be grandfathered?

John Cappello: We will decide that. Let us just present the application. We are aware of that.

Dave Getz: Ok.

Mr. Astorino: Ok. You are aware of that. That was what it was there for. Also, before we go onto the comments this evening, there is a Notice Of Violation on the Fairgrounds Project from John Batz the Building Inspector that the Board has in front of them. The Notice Of Violation, dated 3/11/09 is stated as follow: "*Site Plan adherence – construction trailer located on site by two large trees was to be screened by fencing with slats per verbal conversation the week of February 26 with Tim and Gary. Work to be done by week of 3/2/09.*" To today's date, that has not been completed. We have discussed that at the Work Session.

Mr. McConnell: Mr. Chairman, wasn't that a condition of the approval that was granted?

Mr. Astorino: Yes.

Adrian Goddard: I apologize for that. The contractor will cure that situation by Friday of next week. The trailer that is there now, it is a temporary trailer. That was the explanation that I was given. When the trailers are placed in their permanent location, they will take care of the screening immediately. By Friday of next week, that situation will be corrected.

Mr. McConnell: Mr. Chairman, I don't recall the conditions to the approval making any differentiation between temporary trailers, permanent trailers, or anything else. I am personally upset by this. I have raised this on a number of occasions. I like to make a motion that we table any consideration of this application until this violation has been cleared.

Mr. Astorino: It was also brought up at the Work Session last Monday. Definitely, that issue would have to be taken care of.

Adrian Goddard: You have my undertaking that it would be taken care of by Friday of next week.

Mr. McConnell: Apparently, we had an undertaking that it would have been taken care of by the week of March 2nd. Now that we have your attention, I repeat that I make the motion that we table any further discussion of this application until such time that this violation is cleared.

John Cappello: Could you highlight what provision in the Code that allows you to take that action?

Mr. McConnell: No. That is not what I do.

John Cappello: We have a zoning violation. We have to address it. There are penalties for it. There is a procedure for it. We will address it. Mr. Goddard has stated that we are aware of it. He has apologized for it. We will take care of it.

Mr. McConnell: Mr. Goddard doesn't explain why it wasn't taken care of when he first told us that it would be taken care of. Could you point to anything in the statute that says a condition of approval can be ignored for months at a time?

John Cappello: No. It can't be ignored. If it was ignored, there would be a procedure that the Building Inspector could take which would be the issuance of a violation, which would be a potential for fines. That procedure would be separate and distinct from this procedure. We have an application before the Board. We are entitled to have it reviewed.

Adrian Goddard: You do have my undertaking that it would be taken care of by that date.

Mr. McConnell: Or what?

John Cappello: Or, he would be subject to fines.

Mr. McConnell: He is already subject to fines. That is the point. That is why there is a violation here.

John Cappello: There is a course of procedure for the Building Inspector to process those violations.

Mr. McConnell: I don't have a great deal of faith in his undertaking given that he has here that he had made an undertaking or someone had made an undertaking that it would be cleared by March 2nd. It is March 18th today.

Adrian Goddard: The location of the trailers that are shown on the approved site plan are not the same as the location of the trailer that is on the site now. There is a proposed location for a construction trailer together with an indication as to where the screening would occur on this drawing here. That is what will occur by the end of next week.

Mr. Astorino: Dennis, even with that being said, I understand your reasoning 110%. The bottom line would be that we would not be taking any action tonight. I assume this Board would not take any action until it would be done correctly as far as any approvals anyhow.

Mr. McConnell: Ok. I will withdraw my motion.

Adrian Goddard: I read you loud and clear.

Comment #1: Board to discuss SEQR.

Mr. Fink: This project had gone through a full Environmental Impact Statement procedure. Because the current amended site plan application represents a change from what was considered throughout the EIS process, we had asked the applicant to provide us with a full

EAF that we could compare with the project that was subject to the Findings Statement under SEQR, which was the auto dealership, with the retail facility proposed now. They have provided us with the information. We do have a number of questions under SEQR that would need to be addressed by the Board. Those SEQR comments are reflected in the review comments tonight.

Comment #2: Applicant to discuss project.

Dave Getz: As you are aware, last year in June, your Board passed a Resolution approving the Fairgrounds project. Since that time, the eastern part of the site including the grocery store area and the parking lot has been under construction. That side of the site will not be proposed to be modified by the current amendment. Instead, the western side of the site will be proposed to be changed so that the car dealership that that was previously approved would not be constructed. In its place, approximately 25,000 square feet of retail space would be built in approximately the same location as that car dealership building. As Ted had mentioned, we provided an EAF that compares the impacts of the current amendment, the current proposed plan, compares that to the previously approved plan. We have submitted Parts 1, 2, and 3 of the EAF. It summarizes those impacts. In general, there would be less land disturbance and less impervious area. We feel the impact on the environment in that way has been reduced under the amendment. There is an increase in traffic. The question on that came up at the Work Session. We had additional information provided by John Collins Engineering, dated 3/18/09. I have copies of John Collins memo to give to the Board. In the memo, it mentions levels of service that wasn't discussed in the previous report. We have also provided information on water and sewer use. You have asked for more backup information on that. We are pursuing that. The current proposal would tie into many of the same utility structures as the original plan. For example; water supply system, sewage collection and treatment system, and many of the same storm water facilities as they were previously included.

Comment #3: Complete the items required by the Site Plan Checklist, including but not limited to:

- a. Erosion Control Plan
- b. Lighting Plan
- c. Construction Phasing Plan
- d. Drainage and Utility Profiles
- e. Architectural Plans

Dave Getz: We will provide.

Comment #4: Show the limit of disturbance on the plans. Provide sketches for back-up of the "Land Use Data" calculation provided.

Dave Getz: Ok.

Comment #5: According to the Parking Space Calculations, more parking spaces are proposed than are necessary. The location of parking does not conform to the Town's Design Guidelines. Applicant to discuss.

Adrian Goddard: As far as where the parking would be situated here, there are logical locations for this retail use. The fact that there are more than what would be required by the Code, it could be possible that we could devise a plan which would put some of these parking

spaces into the same kind of bank as what was provided in the previous plan of the supermarket. In order to have the utility in this design, parking does need to be in a place that would be convenient to these stores.

Mr. Astorino: Could there be any type of shift in the building? Dave, maybe you could be creative here on this.

Dave Getz: This comment ties into another comment that is listed later on here stating that we don't meet the setback from the marginal access strip. We plan to shift some things around to comply with that.

Mr. Astorino: You would definitely be moving these buildings somewhere. Keep that in mind when you would be doing that.

Adrian Goddard: Right. We will comply with the rest of the Design Guidelines at least for the parking lot as we had done with the supermarket.

Mr. McConnell: You mentioned something that there were more parking spaces than what the Code calls for on these types of retail uses. What kind of retail uses are you contemplating?

Adrian Goddard: It would be traditional vanilla retail uses. Usually, there is a list of restrictions that we included.

Mr. McConnell: You don't have anything specific in mind. It would be just not anything that would be prohibited.

Adrian Goddard: We have our own list of prohibited uses. Usually what you would try to do would be to put tenants together that would have sort of similarity with one another. There is an industry standard of uses that are coherent with one another.

Mr. Astorino: I know that John Bollenbach is not here this evening. I believe you would take the most restricted use or the most severe use out of all of them. If you were going to go with a blanket use on the property, you would go by that. Zen, would that be correct?

Zen Wojcik: Yes. This goes to the discussion that we had at the Work Session. At the Work Session, the Board was curious as to what types of businesses would be there.

Mr. Astorino: Exactly.

Zen Wojcik: The Board might want to preclude certain types of businesses.

Adrian Goddard: Let me offer to preclude some right here. We have a list of Use Restrictions that we would not do.

Mr. Singer: Ben, could you read that list of Use Restrictions to us?

Mr. Astorino: I will read the list of Use Restrictions that Adrian Goddard had just handed to me. The Use Restrictions are stated as follow:

1. *A tavern, bar, nightclub, discotheque or any other establishment selling alcoholic beverages for on-premises consumption; provided, however, the foregoing shall not prohibit the operation of a restaurant where the sale of alcoholic beverages therein comprises less than 50% of the restaurants gross revenues.*
2. *A bowling alley or game room.*
3. *A theatre (motion picture or live performance).*
4. *A health club or spa.*
5. *A service station or truck stop.*
6. *A flea market.*
7. *A school.*
8. *A car wash, except on an Outparcel and where the same shall have constructed and shall use sanitary sewer, water and storm water drainage lines entirely separate from those utilized by the Price Chopper parcel.*
9. *An adult type bookstore or other establishment selling, displaying or exhibiting pornographic materials of providing adult type entertainment or displays of any variety involving nudity of lewd acts.*
10. *A massage parlor.*
11. *A skating rink.*
12. *A mortuary or business providing funeral related services.*
13. *A mobile home or trailer court, labor camp, junkyard, or stockyard.*
14. *A landfill, garbage dump, or for the dumping, disposing, incineration or reduction of garbage.*
15. *A manufacturing operation.*

Mr. Singer: Are you submitting this list?

Mr. Astorino: That is the list of their own use restrictions. I think some of those coincides with the Town's restrictions.

Adrian Goddard: That would be what we require. We respect with what you tell us.

Zen Wojcik: I just don't want to get away from this point regarding the more parking spaces. There are more parking spaces shown than what the Code says that ought to be for this type of uses. Perhaps, you could bank them. Using as an example on what is going on with the Price Chopper; I just want to remind the Board that the discussion that went along with banking those spaces at Price Chopper or any grocery store there would be certain times of the year, where there would be a lot more traffic that goes into that type of use. There could be a potential use at that time but not at other times. The Board would decide if they would like to have those spaces for that time but not otherwise. I don't know how the other uses that are proposed on this site, if they have seasonal services.

Mr. Astorino: It would trigger that.

Zen Wojcik: The Board should ask for some information about that.

Mr. Astorino: Yes. That would be without a doubt. That is an ongoing issue.

Mr. Singer: Connie, could you make copies of that list of use restrictions for us?

Connie Sardo: Yes.

Comment #6: The southerly-most retail building is immediately adjacent to the Marginal Access Road R.O.W. Per §164-42F(3)(b)[3][b][ii], a 100-foot setback is required. Board and applicant to discuss Marginal Access Road.

Mr. Astorino: You are going to change the design.

Dave Getz: Right. If we don't provide the 100 feet setback, we realize we would have to go to the ZBA for a variance.

Mr. Astorino: As far as the marginal access road, regarding the construction of it, that is all in this question here.

John Cappello: The Findings Statement in the approvals all relate to the discussion of traffic. It did not discuss the need for a marginal access road based upon the traffic generated. It just required us that we provide it on the previous application. In discussion of traffic that would be generated by this site, we are not impacting the use of the property or doing anything different that would generate the need to building the marginal access road that would be any different than the application.

Mr. Astorino: What you are saying is that this would not trigger anymore traffic going in and out of that site than what Country Chevy would have had?

John Cappello: The reason in the discussion of traffic on the site, there was no mention of the need for a marginal access road. It was a requirement of your Code.

Mr. Astorino: I believe that it was mentioned that there might be a need at some point.

John Cappello: To facilitate in action with other uses, therefore we should provide the R.O.W., in which we are still committing to do that when there would be a need. Until that need is there to disturb the wetlands or do the land disturbance, it would seem to be not needed until so.

Mr. Astorino: That need might be closer than you think.

Adrian Goddard: The traffic impacts that John Collins discussed in his memo, he showed the level service with the improvements, in which we are already providing, it would be a Level B.

Mr. Astorino: That would be something that Ted and Zen would have to check out. That would be discussed as we go through this process.

Adrian Goddard: The problem with the marginal access road is permitting them.

Mr. Astorino: Zen, could you comment on that permit? I know I had a discussion with you and Ed regarding a permit for crossing the wetlands.

Zen Wojcik: There is a general permit for crossing the wetlands for a road. It would be a lineal disturbance.

Dave Getz: It would be for a ACOE permit.

Zen Wojcik: Yes. It is an ACOE permit. You would also have to go through the State. They have an interest there because of the bog turtle and the Fish and Wildlife impacts. It is not unachievable. There are ways of restricting the impact on the wetlands.

Dave Getz: The big issue back then when we dealt with Fish & Wildlife Service was the issue of to be able to build within 100 feet of those wetlands. It took us over a year for Fish & Wildlife to review and get to the site approved.

Zen Wojcik: I understand the struggle you had with that. But, I do understand where Fish & Wildlife Service is coming from that. This entire system of wetlands is a potential habitat for the endangered species. They wanted to get from this applicant, which had a very large use on the edge of it, certain things that were going to be promised that were going to be constructed to protect that.

Dave Getz: Storm water was the biggest factor.

Zen Wojcik: Right. In a similar manner, you could also get a road across it that will fulfill those requirements.

Dave Getz: But, treating the runoff from that crossing from that new impervious strip, it would not be possible to meet DEC guidelines by the letter of the code. In my professional opinion, it would be a long battle to get the various agencies to agree.

John Cappello: This applicant as part of this application has provided the R.O.W. that would benefit potentially an adjacent property, has provided it to the Town and provided \$80,000 plus traffic mitigation fee. It is building or working on traffic improvements that facilitate this entrance. There would be an issue of fairness. If this adjoining property would be going to use that, then the adjoining property could do the permitting or the Town could work with the landowners to do the permitting to do the road. That was the agreement that you are putting the entire burden on this person. They would use the improvement that was done on the road and use the lights that we contributed to.

Mr. McConnell: We are not the ones changing the agreement. The agreement was the plan that was signed off on.

John Cappello: The agreement was a 22,000 square-foot car dealership. The amendment that we are proposing would be a 25,000 square feet of retail.

Mr. Astorino: There is a difference between retail and a car dealership.

Adrian Goddard: The impacts would be lower. This would be more in compliance with the Zoning, which is called Design Shopping than what a car dealership would have been. The benefit of the bargain that we made was not to be held hostage for a permit at a later date.

Mr. Astorino: Have you made any correspondence to the ACOE or DEC about this crossing?

Dave Getz: No. The reason is that the access strip came up after we received Fish & Wildlife Service approval the last time.

Mr. Astorino: I understand that. But, at this time, you haven't sent any correspondence to even test the waters in that area.

Adrian Goddard: No.

Dave Getz: No. We have not made any contact.

Adrian Goddard: In terms of constructing this marginal access road, I don't have an issue in doing that. But, to hold us hostage for a permit, which may or may not ever show up in return for amending a site plan, which has lower impact than the plan that we originally proposed, it doesn't seem like a reasonable position.

Mr. McConnell: Could I get clarification on that? Where would the lower impact be? Are you saying that because there would be less land disturbance?

Adrian Goddard: I am talking about in regards to drainage and impervious.

Mr. McConnell: What about traffic?

Adrian Goddard: Traffic would be up slightly.

Mr. McConnell: What would that be in percentage wise?

Adrian Goddard: At peak time, it would be up approximately 17%.

Mr. McConnell: In my business 17% would not be slight. That would be material.

Adrian Goddard: It would only be if you ignored the results of the traffic study. It would still fit well within the improvements of the making. The use would be more conforming with the site than what a car dealership was. In all sorts, this would make more sense. That would be the way we would see it.

Mr. Showalter: What if General Motors went out of business and they built a car dealership, Frank would have no more cars to sell. What would you do with the building?

Adrian Goddard: It would become a used car lot.

John Cappello: Or, someone could come and convert it to a retail use at cost and expense. At that point, you would make the determination on if you would want an abandoned building or you would want an access road. There are some points that you would have to make in balancing. When you talk about 17% in the increase of traffic, your job would be to determine if we properly had mitigated the impacts from the development that we proposed. The documentation that we had provided to you shows that we do. So, if it was 17% or 3,017%, we had mitigated the impacts to the extent that was required by law. We have done our duty. The question would be if that 17% would create the need for a road above and beyond the improvements to what we have committed to do and above and beyond the \$80,000.00 traffic impact mitigation fee that we paid for the Town to put towards that light, to really benefit the adjoining landowner.

Mr. Singer: John, could you clarify something to me that you had said previously? I think you said that your applicant would have no problem in building the marginal access road, if the Town would help with the permitting. Is that what you said? What does that mean regarding help with the permitting?

Adrian Goddard: It means getting the permit. We can't be expected to engage with an unrelated third party as a condition of an amended approval where all of the impacts are within the range and contemplated by the EIS. That would not be fair.

Mr. Singer: I think the word help means we would work together.

Adrian Goddard: Yes. I would be happy to do that. To hold a small change of the site plan hostage to that, it doesn't seem fit.

Mr. McConnell: We would first have to agree with your characterization of it being a small change.

Adrian Goddard: You are hearing my view of this.

Mr. McConnell: Yes.

Mr. Astorino: This is where we are with the marginal access road. Zen, maybe you could touch base with the Town Supervisor about this permitting. That would be a Town Board issue. I believe in the Comprehensive Plan and the Zoning it calls for a marginal access for this corridor. That has been done on other projects in the past. Dave, you are involved in the HOMARC property.

Dave Getz: Yes.

Mr. Astorino: You know that is proceeding at this point. I haven't heard anything different from that applicant. I believe in my mind that the marginal access road would be real shortly. It only seems to me from Mr. Goddard was the issue of permitting. I don't think there was an issue in putting in the road. It was the issue of permitting.

John Cappello: Yes. Let me go back. We were talking about the impact. If we were here today on the architectural review of the auto facility and we were going forward, this use would still kick over that requirement for that marginal access road. If it was good planning, it was good planning. It would not be good planning generated from the trips going in and out of this driveway for this lot.

Mr. Astorino: You have just handed this to us this evening. I am not going to comment on that.

John Cappello: If this was an auto facility or whether it was a retail, the development of this lot, good planning would dictate that there was a connection that you appropriately required that we set aside. If we were going to build this tomorrow, this issue would still have to be addressed as part of the HOMARC application.

Mr. Astorino: Without a doubt. This issue was being brought to you because you have changed your plan. It is here. HOMARC is dealing with it at this point. If someone else

down the street decided to do something, they would be dealing with it in front of us also. You came back to us with a change.

John Cappello: Right.

Mr. Astorino: I think we are all in an agreement with that. That is what we have to review. Dave, you are involved with the HOMARC application. You do know where that would be going. We are all on the same page here with this marginal access road.

Mr. Singer: Ben, I am on a different page. I think the change that has been made on this property is not affecting as to whether or not we want the marginal access road. We want the marginal access road. We had indicated that previously with the previous application that we would want the marginal access road. Mr. Getz at that time said that he had a problem with the wetland crossing. If he would be required to get a permit for the wetland crossing, it could hold up the supermarket project and the other project. Mr. Bollenbach had told them all we want from you at this time would be an offer of dedication of the marginal access strip to the Town. At some time in the future, the Town would take care of the marginal access road building. That was what this applicant was told. Whether or not the marginal access road would be more desirable or less desirable now because of the traffic would be irrelevant. The marginal access road would have to be there. Nothing has changed. We have told this applicant that he did not have to build the marginal access road. It was made clear. Now, you are reversing yourselves telling them that you want them to build it.

Mr. Showalter: Carl, now he would be adding more traffic.

Mr. Singer: That traffic has nothing to do with it. The marginal access road will be built. We just told this applicant that he would not be the one that would have to build it.

Dave Getz: I agree. That was what I recollect.

John Cappello: Yes.

Mr. Singer: That was what the applicant was told. Because there would be a little more traffic, that would have nothing to do with who should build it.

Mr. Astorino: That would yet to be determined.

John Cappello: Wouldn't the reason of a marginal access road isn't necessarily for the traffic, it would be to eliminate a curb cut?

Mr. Astorino: It would be a traffic mitigation device.

John Cappello: We have provided the area and the use. Has the HOMARC application been asked to examine this? Has the HOMARC application been asked the potential of building it or the potential of crossing a wetland? It seems like they are getting a lot of benefit from this marginal access road.

Mr. Astorino: The HOMARC application is being asked to provide a marginal access road also. You have their engineer standing right next to you.

John Cappello: But, when they go for a curb cut from the State, the State would certainly look at it. What I am trying to say is that it looks like all of the burden of getting all the permits is on the person who gave up the land to provide a marginal access road.

Adrian Goddard: I am not accepting that burden. That would be a discussion to have.

Mr. Astorino: That is yet to be determined. Let us move forward onto the other comments tonight.

Dave Getz: Mr. Chairman, we don't need to read through Comment #7 a-e regarding the SWPPP and drainage calculations. We will clarify those.

Mr. Astorino: We will list comment # 7 a-e for the record.

Comment #7: SWPPP and Drainage Calculations comments:

- a. Identify all proposed stormwater facilities and provide a completed "Stormwater Drainage System Data" table.
- b. Identify the Bioretention Basin W3 and FES C4 on the plan. Show the location of maintenance access drives for all stormwater management facilities.
- c. Provide Time of Concentration (Tc) worksheets for existing and proposed conditions.
- d. Revise the flood elevations, outlet structure details, and emergency spillway elevations as required on the Stormwater System Details sheet for the current design. Provide a detail for the inlet or chamber proposed for the structure previously identified as C1E2.
- e. Update the Stormwater System Profiles sheet.

Comment #8: Identify all proposed sanitary sewer facilities and provide a completed "Sanitary Sewer Chart" on the plan.

- a. The Water Use/Wastewater Flows calculation notes that the hydraulic loading (utilized in the DEIS) attributed for a Hannaford supermarket was 3,800 gpd while the revised calculation attributes 1,922 gpd for a Price Chopper supermarket – approximately 50% less. Applicant to discuss.

Adrian Goddard: The gallonage that the Price Chopper would use prior to DEC and accepted by DEC was part of the previous application. Half of it was the tenant that was there was presumably their guess number. They actually got the sewage treatment facility approved by the DEC. The number that was used was the 1,922 gpd for the Price Chopper.

Zen Wojcik: I disagree. The numbers that were presented, the information that was handed into the Town, it had said 3,800 gpd.

Mr. Astorino: That was for the Hannaford.

Zen Wojcik: If they have submitted something different, this Town has not seen that documentation.

Adrian Goddard: Zen, you were copied all of the DEC applications.

Zen Wojcik: I was looking at the information that was inside the EIS.

Mr. Astorino: Do you have the DEC correspondence?

Zen Wojcik: Yes. Stating that they have accepted it.

Mr. Astorino: Did you have the Hannaford number that they said they lowered it to?

Zen Wojcik: In the stuff that was presented to the Town, it said specifically Hannaford was 3,800 gpd. That was why that was included in here. We accepted that as a credible number at that time. Now, you are giving us a number that is approximately 50% less.

Mr. Astorino: This is now Price Chopper. You are wondering why.

Zen Wojcik: Give us a rational explanation as to why Price Chopper would use 50% less water than Hannaford would.

Adrian Goddard: Fine. We will do that.

Mr. Astorino: You will need to clarify that with the engineer.

Dave Getz: We will clarify that.

- b. Board and applicant to discuss a sewer stub for future connections.

Dave Getz: Does that mean connections to off-site properties?

Mr. Astorino: I believe that is what we are talking about.

Zen Wojcik: When this Town was talking about constructing a sewer plant, it would have room for expansion. In order for someone else to use that plant, there would need to be a means of access. You are now showing the development for lot #1. I assume you would not want to have someone coming in tearing up the pavement.

Dave Getz: Correct.

Adrian Goddard: I agree.

Mr. Astorino: Now, it would be the time.

Zen Wojcik: It would be a good time to put a location out.

Adrian Goddard: I agree.

Mr. Singer: Zen, the size of this sewage treatment plant was determined on the Hannaford Supermarket and the car dealership. Now, we have six stores instead of a car dealership. Would the DEC accept this size of a sewage plant? Or, would they want to look at it again?

Zen Wojcik: The calculations that were presented this time by the applicant showed that they were approximately the same level of use.

Mr. Singer: How could it be the same number with 6 stores?

Mr. Astorino: They would have to prove that.

Zen Wojcik: There would be half as much water coming out of this than what we had seen previously.

Dave Getz: The DEC would have to approve it.

Mr. Astorino: We would have to have the information.

Comment #9: Proposed modification of Lot #1 will generate 18% to 19% more traffic during the Saturday peak hour than the previous proposal, according to the revised Traffic Report. Board and applicant to discuss.

Mr. Astorino: We have gone through this already.

- a. Provide copies of notification letters to police, fire department and emergency services. Board to consider requesting the applicant to provide sufficient information to determine response time pre- and post-development.

Mr. Astorino: You would have to send letters to the emergency services.

Adrian Goddard: Ok.

Dave Getz: Ok.

Comment #10: Show locations of fire lanes adjacent to proposed buildings.

Dave Getz: Will do.

Comment #11: Show the sight triangle for traffic exiting the southerly-most access road to the proposed Lot #1 parking area. Revise the location and/or type of landscaping to provide clear sight lines.

Dave Getz: Ok.

Comment #12: The use of the space between the grocery store and larger retail building is not clear. Delineate the pavement consistent with the Pavement Delineation Plan provided in the previous approval and/or define areas that are proposed for landscaping.

Dave Getz: Ok.

Comment #13: Applicant to discuss potential uses of retail buildings.

Mr. Astorino: You have given us that list.

Dave Getz: We realize that if a new building would not be retail shopping, it would become food service. That would affect water and sewer.

Adrian Goddard: Right. We have some serious constraints here as far as that kind of use would be concerned because of the sewer and water situation.

Comment #14: The area between the proposed commercial development of Lot #1 and the stormwater management facilities is currently a fallow field. Provide a landscaping concept for this area. Include relevant landscaping for the stormwater management facilities from the previously approved plan.

Dave Getz: Ok.

Mr. McConnell: We have a comment from the ARB, dated 3/18/09.

Mr. Astorino: Many of those ARB comments are Planning Board comments that we haven't gotten into yet.

Connie Sardo: We don't have any comments from the Conservation Board.

Mr. Astorino: We also received a letter from Mayor Michael J. Newhard from the Village of Warwick, dated 3/18/09.

Mr. Singer: Ben, I have read the letter from the Village of Warwick. Penny from the ARB is stating the same thing. In the original EIS, they did an original economic study on the impact in the Village. Now, they have changed it from a car dealership to six stores with 25,000 square feet. I would like to ask the applicant to update that economic study to accommodate six additional stores.

Adrian Goddard: I wouldn't have a problem with that.

Mr. Astorino: That would be fine. Thank you, Carl.

Mr. Singer: That would take care of the Mayor's letter and the ARB's letter.

Mr. Astorino: That summarizes the Village of Warwick's letter. We will have that for the record.

Mr. McConnell: It seems a little difficult that you don't know what those retailers would be and there would be no way to determine that.

Adrian Goddard: Right. We do know that the taxpayers of the Village would be more secure with Frank staying where he is as opposed to him moving out.

Mr. Singer: On the map, I see where the wastewater treatment facility is located. It says a water supply pipe was there. What would the water supply pipe be doing there?

Dave Getz: Within that area, there is a water supply tank.

Mr. Singer: Where would that water be coming from? Where would the well be?

Dave Getz: The well is located on lot #4.

Mr. Astorino: Do any Board members have any other questions? Gentlemen, you know where you are and where you are going.

Adrian Goddard: We will try to do as good a project as we can here. I think I understand what the Town's objectives are. I will be meeting with the Architect, Schaffer who had done the architecture on the Meadowcrest building. We are retaining him as the architect. We want to make sure this looks right.

Mr. Astorino: Once you get that going, let us know about it. We would then have a joint meeting with the ARB.

Adrian Goddard: Yes. We want to do a nice project here.

Mr. Singer: I would like to make a comment on that. Looking at the face of the building, it is one straight line. In my mind looking at the site plan, it would look better if you had one over here and back here.

Adrian Goddard: I agree. This is just geometry at this point. We will make improvements to it.

Mr. Astorino: You might want to touch base with Zen about the permitting made with the Town Supervisor. Maybe, you could get that process ongoing as soon as possible.

Dave Getz: Yes. I think the reviewing agencies would want to see a strong statement for the need of that access road. They are not going to want to approve wetland impacts if there are no reasons.

Zen Wojcik: We will talk about it with the Town Board.

Mr. Astorino: Exactly.

Adrian Goddard: Thank you.

Dave Getz: Thank you.

St. Stephens Parish Ball Fields

Application for Site Plan Approval and Special Use Permit for the construction and use of a soccer and softball field, parking, and concession stand, situated on tax parcel S 42 B 1 L 35.222; project located on the eastern side of St. Stephens Lane 125 feet north of West Street, in the OI zone, of the Town of Warwick.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Father Mike McLaughlin. Glen Muse, Parishioner/Maintenance Committee.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
 - A. Complete and submit a full EAF.
2. Applicant to discuss project.
3. Provide a copy of the deed for the property.
4. Show location of stop sign on St. Stephens Lane.
5. Show outline of houses and locations of driveways across West Street from the parcel.
6. The Special Use Permit requested is for General Use #79, Community Recreational Facilities ... Special Condition 111 requires the Planning Board to set the Bulk Requirements. Applicant is proposing use group "1", the same as for General Use #73, Annual membership clubs providing outdoor recreational facilities ... and General Use #88, Outdoor amusement establishments ... Board and applicant to discuss.
7. A gravel parking lot – permeable surface – is proposed. The parcel is located in the Aquifer Protection Overlay. Board and applicant to discuss.
8. Place a Parking Calculation on the plan based on the requirements for Recreational Facilities.
9. Show a 100-foot radius from the existing well on SBL 42-1-35.221 and note: "No portable toilets shall be placed within 100-feet of the existing well". Board to discuss the use of portable toilets on this site.
10. Applicant to discuss landscaping.
11. Place a note on the plan: "No dumpsters located on site".
12. Provide a detail for signs. Note that a permit is required from the Building Inspector for all signs.
13. Provide the declaration and the recording information on the plan for Agricultural Notes and Aquifer Protection Overlay Notes.
14. Provide a copy of the submitted NOI.
15. Applicant to provide 9-1-1 addressing.
16. Pay outstanding review fees.

The following comment submitted by the Conservation Board:

St. Stephens Parish Ball Fields – None submitted.

The following comment submitted by the ARB, dated 3/18/09:

St. Stephens Parish Ball Fields - The major concern of the ARB is that every consideration should be given to making sure that the forested section of St. Stephen's

property retain as many of the large trees as possible. This is a unique feature in what is otherwise a flat and rather homogenous area. The trees lend a softness and climate control to the area.

Any areas of the field that are close to roadways must be securely fenced for safety reasons. Appropriate colors of fencing should be selected in order to minimize the visual impact on the area.

Any lighting added to the site should meet design guidelines for down-lighting and minimizing light pollution for neighboring residences.

Comment #1: Board to discuss SEQR.

A. Complete and submit a full EAF.

Mr. Fink: The applicant has provided a short EAF to the Planning Board. The application would be classified as a Type 1 Action. The reason for a Type 1 Action would be that the site is within an Agricultural District. Since it would be a non-residential use, one of the thresholds under SEQR is if there would be physical alterations of the site that would exceed 10 acres, that would make it automatically a Type 1 Action except for properties that are within an Agricultural District. Then, it would get reduced down to ½ acres. You exceed that threshold. Under SEQR, the State Law requires a full EAF be done.

Dave Getz: We have that almost complete. That would be no problem.

Mr. Fink: Ok.

Comment #2: Applicant to discuss project.

Dave Getz: The property includes about 5 acres. At this time, it is mostly all cornfields. It has been that way for years. It is located with frontage on West Street Extension, County Route 1A, and St. Stephens Lane. The church proposes to build a softball field, soccer field, and a parking area. This would be for their use. It would not be open for general public use. This would be used for the school kids.

Father Mike: This would be for school kids used during school times. Maybe, we might have some teams after school, for soccer and softball games. Also included on here would be a section for a garden. The idea would be to get the children involved with gardening. What we produce would be donated to local food pantries to the poor. It would be a good project for them. We have a couple travel soccer teams. We would finally have our own home field. The parking area would only be used during that time. We would probably chain it off from November 1st or November 15th. We would probably not open it up again until April. We would never anticipate plowing or anything like that over there. There would be no salting or anything like that of that nature. We don't need that expense. The parking would be used just for using the ball fields and maybe for the Easter overflow or any other overflow things.

Comment #3: Provide a copy of the deed for the property.

Father Mike: The deed is on its way. The Archdiocese has it in their files.

Comment #4: Show location of stop sign on St. Stephens Lane.

Dave Getz: Will do.

Comment #5: Show outline of houses and locations of driveways across West Street from the parcel.

Dave Getz: Ok. We would also show Kirk Rother's office which is nearby.

Comment #6: The Special Use Permit requested is for General Use #79, Community Recreational Facilities ... Special Condition 111 requires the Planning Board to set the Bulk Requirements. Applicant is proposing use group "I", the same as for General Use #73, Annual membership clubs providing outdoor recreational facilities ... and General Use #88, Outdoor amusement establishments ... Board and applicant to discuss.

Mr. Astorino: Zen, what are you saying here?

Zen Wojcik: The Code requires the Board to consider. There is no Bulk Table for this particular use in this zone. The Board should consider what the applicant is presenting and whether it would be acceptable or not. It is based on similar uses in the Code.

Mr. Astorino: Ok.

Zen Wojcik: That was what they had done. They have done something with what sounds like similar uses. They would be complying with the Bulk Table that they have presented.

Mr. Astorino: Ok.

Comment #7: A gravel parking lot – permeable surface – is proposed. The parcel is located in the Aquifer Protection Overlay. Board and applicant to discuss.

Dave Getz: As Father Mike had mentioned, it would not be a parking lot that would be used daily for regular uses. It won't be treated with salts.

Mr. Astorino: Would there be some type of a geo-tech fabric you could put down onto the stone to make it so that stuff would not go into the aquifer?

Glen Muse: There is a poly-liner.

Mr. Astorino: Yes.

Zen Wojcik: I had this conversation with Ed Butler, the Town Engineer when we were reviewing these plans. This matter came up also back in October. We had seen a presentation by someone with a similar kind of concept. If we had a parking lot that was going to be used all year round, and in the wintertime cars are more deadly than they are in the summer or spring because of all the salts they accumulated along the road. That would be troublesome. Here we have a seasonal facility. The way that Dave Getz has designed this, the runoff that would come off this field would be directed towards this bed of stone. You would have this thing flushing out on a regular basis with runoff coming off the field. The field would be maintained and mowed. There would be many kids running around on it. It won't be like a golf-course where they would put down a lot of chemicals to make sure it would be nice green grass. We are not concerned about anything coming into the aquifer that

wouldn't come off in a normal circumstance. The reason of this is that it would be for seasonal use. Our level of concern for this is small.

Mr. Astorino: Ok. That is fine.

Mr. Singer: I am uncomfortable that this is on the aquifer. In fact, it is one of the best aquifers in the Town. With the Scharffenberger's project, we found out that the percs were less than a minute. Cars sitting on an unpaved parking lot, the oil and gas could drip down into the aquifer. Zen just pointed out that runoff from the fields would flow over the parking lot. The fertilizer used on the fields would now go over the parking lot and down into the aquifer. I am uncomfortable with it being unpaved. I would like to see it paved.

Dave Getz: We would be providing a thick bed of gravel to collect sediment and filter runoff. The pavement design includes approximately 1-foot of excess gravel beneath its surface to provide for filtration. Some of those pollutants that you have mentioned, it would be designed to trap those.

Mr. Astorino: You have a lot more fertilizers and chemicals on that field right now than we would ever have as an athletic field. You would have less of an impact on this than you would if you planted corn out there. Russ, you could back me up on that one.

Mr. Kowal: The soccer field would probably have an equal or lesser amount of fertilizers and herbicides than what the surrounding farmland would have.

Mr. Singer: But, parking all of these cars there...

Dave Getz: That is not the correct way in describing the parking facility.

Father Mike: It would not be used during school times. They would be parking over at the school. This would be used for after school. This would not be a big used parking lot. This would be for after school activities, maybe on Saturdays, but nothing on Sunday mornings.

Mr. Singer: How come nothing on Sunday mornings?

Father Mike: We are about what we are supposed to be about.

Mr. McConnell: Would there really be a need for a parking lot?

Father Mike: We are a little short on parking as it is.

Mr. McConnell: I was going to note that when you said that it would only be used for these events. I am thinking you would continue to have people parking on the West Street Extension on Sunday mornings instead of taking the chain down on this. I find this surprising.

Mr. Singer: When you are playing other teams, they would park the buses right on this parking lot.

Father Mike: Catholic schools drive the parent's cars in.

Mr. Singer: In Zen's argument, he said it would only be part time during the year. These days, you play the sports outside from April to October. That would be 7 months.

Father Mike: School is not in session in the months of July and August.

Mr. Singer: Don't they start practice?

Father Mike: They would go over and play. We have vacation Bible school. They might want to run over and play.

Mr. Astorino: A lot of the traffic would be coming from this school.

Father Mike: Yes. They would be walking across.

Mr. McConnell: I was wondering if it is believed that there really would be a need for a parking lot. Would it make sense to consider a smaller parking lot to address some of these runoff issues showing on 51 parking spaces?

Mr. Astorino: How many parking spaces do they show?

Dave Getz: They show 51 parking spaces. That came from the committee of the church. That wasn't a Town calculation. It was just a feeling that would be more than enough.

Mr. McConnell: Since there is parking across the street, and we do have concerns about runoff sitting on top of the aquifer, I don't know what the basis is for the decision for the 51 parking spaces was. Is it something that could be reconsidered?

Glen Muse: There was no basis for it.

Father Mike: It was what fit there.

Mr. Astorino: If you cut down 10 spots, would it change anything?

Mr. Fink: One of the things that we always talked about with commercial uses where we have the larger paved parking was banking the spaces. Maybe that could be one of the things to consider here. If the need is there, if you get to a point where you don't have enough sufficient parking, you could come back to the Planning Board and get an amendment to the plan.

Mr. Astorino: If you go out there and it would be grass next to the stone, what do you think would happen?

Zen Wojcik: The same thing that happens to the Town's park. People would be parking on the grass.

Mr. Singer: In the Scharffenberger's septic system, we had them remove the soil where they had the quick perc and line the bottom of the system with clay. Could that work here?

Dave Getz: It wouldn't. It seems like overkill to me.

Zen Wojcik: It wouldn't work. It would not be removing pollutants. We had this discussion on other applications. The toughest thing to remove from the environment would be salt. The worst time of the year would be with salts on the cars in the wintertime, at which time this would not be used. Looking at what we are talking about here, it is not a building development. It would be for seasonal use with a gravel bed. The discussion I had with Ed Butler, we felt that this would not be a big impact.

Mr. Astorino: What would the Board's feeling be on this?

Father Mike: We could agree to chain it off from November 15th to April 1st. We could guarantee that it would just be left chained off. If that would help, that would be no problem.

Mr. Astorino: What does the Board feel? Do you want stone?

Mr. Showalter: Stone.

Mr. McConnell: Stone.

Mr. Kowal: Stone.

Mr. Singer: I am not comfortable with the stone.

Mr. Astorino: We have a consensus from the Board for stone.

Mr. Showalter: Look into a liner.

Mr. Astorino: Ok. Zen, do you say that a liner would work?

Zen Wojcik: We want to get some recharge into the aquifer also.

Mr. Astorino: Then, a liner wouldn't work.

Mr. Showalter: I don't think there would be a huge impact.

Mr. Astorino: That is what our Professionals are telling us. Let us move on to the other comments.

Comment #8: Place a Parking Calculation on the plan based on the requirements for Recreational Facilities.

Dave Getz: Ok.

Comment #9: Show a 100-foot radius from the existing well on SBL 42-1-35.221 and note: "No portable toilets shall be placed within 100-feet of the existing well". Board to discuss the use of portable toilets on this site.

Dave Getz: We will add the note.

Mr. Astorino: Does the Board have any comments regarding the portable toilets?

Mr. McConnell: I don't have anything on the portable toilets. But, I noticed a water line running to the concession stand. I don't see any sewer line running out of it.

Dave Getz: That is true. We should discuss the water supply. It is proposed to tie into the Village's water system to a main that is owned by the school district. There have been correspondences back and forth with those agencies. It looks like everyone would be agreeing to it.

Mr. McConnell: Is that for supply?

Dave Getz: Yes.

Mr. McConnell: Ok. How about sewage?

Dave Getz: Regarding sewage, the only proposed facilities are the portable toilets. The water use would be for the water fountain by the concession stand. It would be for minimal use for anything at the concession stand.

Father Mike: We haven't settled on any concession stand at this point. We haven't decided on that. That building was supposed to be for a shed to store soccer equipment.

Mr. Astorino: Ok. You might not want to spend the extra money for a water line for a water fountain. A cooler with bottled water in it might be sufficient.

Father Mike: We might have to water a little for the grass that we plant and for the garden we put in.

Mr. Singer: You are submitting a plan to us that says it is for a refreshment stand.

Mr. McConnell: No. It says it is for a concession stand.

Glen Muse: It says a concession stand. Dave, we would have to remove that note.

Mr. Singer: I would like to hear what you plan on selling at this. What does it say?

Father Mike: Where is that?

Glen Muse: Right here, it says concession stand.

Dave Getz: Ok.

Mr. Singer: What are you selling at this concession stand?

Father Mike: We haven't really talked about it. We haven't even discussed a concession stand.

Dave Getz: We may be removing it.

Mr. Singer: I would like to hear more about it.

Father Mike: I haven't discussed it.

Mr. McConnell: When he has more to tell you, he will let you know.

Father Mike: The only thing that has come up was that we would be afraid of kids running back and forth on that road. We have to put portable toilets in. We have to do that because of safety.

Mr. Showalter: The portable toilets would be a good idea.

Father Mike: We considered that and water fountains so the kids would have something to drink.

Mr. Singer: At the Work Session, I heard the discussion of selling hotdogs and hamburgers.

Father Mike: I wasn't there.

Mr. Singer: You weren't there. That would require grease and washing pots, etc... That would go into the aquifer.

Mr. McConnell: If you have a water fountain there, you know somebody might say, I will just rinse it off out here.

Mr. Singer: I am uncomfortable with that water and building being there without you telling me what you would be using it for.

Father Mike: Right now, the plan would be for a building/little shed to store athletic equipment. There has been no discussion of any concession stand.

Mr. Singer: Put the water fountain somewhere else so I am not worried about you washing pots there.

Mr. Astorino: If they are going to be using it to water the field, where would you put the water?

Mr. Singer: We need to hear more about the concession stand.

Dave Getz: It sounds like it might be deleted.

Mr. Astorino: Are we set with the water line?

Comment #10: Applicant to discuss landscaping.

Dave Getz: We have screening proposed towards Dr. Scharffenberger's property at a landscape berm to help for privacy and to contain things along County Route 1A.

Mr. Astorino: Would you also have a fence going around the entire piece?

Dave Getz: Yes. We don't show a fence going around the entire field. That is still being discussed.

Father Mike: What we thought we were required to do was to have the fence all along County Route 1A and St. Stephens Lane.

Mr. Singer: I am uncomfortable with not fencing out behind Kirk Rother's place. His office is about 25 feet from the foul line. You claimed that there was a fence there. Today, I went there to look. I had seen posts of an old fence but not really a fence. I think the balls would hit his place breaking the windows. I think you would need to have a 6-foot chain link fence along that line.

Zen Wojcik: Carl, the field is at an elevation 96 feet. Kirk Rother's place is at an elevation of 103 feet.

Glen Muse: It would actually be higher than that. He would be at about 110 feet in elevation.

Zen Wojcik: Ok. He is at 110 feet. He would be 14 feet above the field.

Mr. Singer: You don't think the little kids would hit it that hard.

Father Mike: There will be a backstop.

Dave Getz: Relating to the landscaping, there would be no lighting proposed.

Zen Wojcik: The only point I want to bring up regarding the landscaping, this ties into the request for having the location of the houses and driveways across West Street. At certain times of the year when it would get darker earlier, there could be a potential for headlights to shine. You might want to look into putting in some shrubbery or something along that line.

Glen Muse: That would be a good idea.

Comment #11: Place a note on the plan: "No dumpsters located on site".

Father Mike: No. We discussed this again. We are considering a new garbage company. At no extra charge, they would be willing to put a dumpster back behind the school's kitchen where we use to have one. On the field site, we would only put a couple garbage cans. We want to do carryout.

Mr. Astorino: That would be a good idea.

Glen Muse: We want to make the kids responsible.

Father Mike: There would be no dumpster on the site.

Dave Getz: Ok.

Comment #12: Provide a detail for signs. Note that a permit is required from the Building Inspector for all signs.

Mr. Astorino: Dave, do you propose any signs?

Dave Getz: Again, from Jerry, we are thinking about a sign near the intersection of St. Stephens.

Father Mike: We have the existing sign out here. It has been out there for years. We might end up moving that.

Dave Getz: Ok. We will provide a detail.

Comment #13: Provide the declaration and the recording information on the plan for Agricultural Notes and Aquifer Protection Overlay Notes.

Dave Getz: Ok.

Comment #14: Provide a copy of the submitted NOI.

Dave Getz: Ok.

Comment #15: Applicant to provide 9-1-1 addressing.

Dave Getz: Ok.

Comment #16: Pay outstanding review fees.

Dave Getz: Ok.

Mr. Astorino: Do you request to be set for a public hearing?

Dave Getz: Yes.

Mr. McConnell makes a motion to set the St. Stephens Parish Ball Fields application for a Public Hearing at the next available agenda.

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

Dave Getz: Thank you.

Father Mike: Thank you.

Other Considerations:

1. **Czubak Lot Line Change** – Letter from Law Office of Dennis Caplicki, dated 3/6/09 addressed to the Planning Board in regards to Czubak Lot Line Change application – requesting a 6-Month Extension on “Re-Approval” of Final Approval for a proposed lot line change, SBL # 6-1-40, 41, 42, & 46.1. Final Approval was granted on, 7/18/07. “Re-Approval” of Final Approval was granted on 7/16/08. *The applicant’s attorney has stated that it has taken an inordinately long period of time to resolve the land issues and one further extension is necessary.* 6-Month Extension on “Re-Approval” of Final Approval becomes effective on, 1/16/09.

Mr. Kowal makes a motion on the Czubak application, granting a 6-Month Extension on “Re-Approval” of Final Approval for a proposed lot line change, SBL # 6-1-40, 41, 42, & 46.1. Final Approval was granted on, 7/18/07. “Re-Approval” of Final Approval was granted on 7/16/08. The 6-Month Extension on “Re-Approval” of Final Approval becomes effective on, 1/16/09.

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

2. **Planning Board Minutes of 3/4/09** – Planning Board Minutes of 3/4/09 for Planning Board Approval.

Mr. McConnell makes a motion to approve the Planning Board Minutes of 3/4/09.

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

Correspondences:

1. O.C. Planning Federation – 2009 Planning & Land Use Course to be held Mondays April 20, 2009 – May 18, 2009 at the OC Emergency Services Center, 22 Wells Farm Road, Goshen, New York. ****Note**** Board Members, each session is eligible for 2-Hours of required NYS continuing education credit!! Any Board members interested in going, please let PB Secretary, Connie Sardo know before 4/13/09.

Mr. Astorino: The Board has that in their packets. If any Board members want to attend, please let Connie know before 4/13/09.

2. Mountain View Estates – Memo from Karen Schneller-McDonald, dated 3/10/09.

Mr. Astorino: That memo was also emailed to us.

Mr. Fink: We talked about this at the Work Session with Karen. She was going to provide some clarification on this.

Mr. Astorino: The Board members will read this memo. We will then decide what we would want to do.

Privilege Of The Floor For Agenda Items!!

Mr. Astorino: If there is anyone in the audience wishing to address any of the agenda items, please rise and state your name for the record. Let the record show no public comment.

Mr. McConnell makes a motion to adjourn the March 18, 2009 Planning Board meeting.

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