

TOWN OF WARWICK PLANNING BOARD

April 1, 2009

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, April 1, 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.

PUBLIC HEARING OF Gary and Kathy Randall

Application for Site Plan Approval for the construction and use to operate antennas on an existing camouflaged monopole wireless telecommunications tower along with an adjacent accessory equipment shelter and appurtenant cabling and equipment, entitled, **Verizon Wireless #2** situated on tax parcel S 19 B 1 L 47.21 ; project located on the southwestern side of Route 94 900 feet set back from Route 94 (Gary Randall property), in the MT zone, of the Town of Warwick, County of Orange, State of New York. Continued Public Hearing from the 2/18/09 Planning Board meeting.

Representing the applicant: Cliff Rohde, Attorney from Cooper & Erving Savage, LLP.
Paul Fanos, Engineer from Infinigy Engineering & Survey.

The review comments submitted by Tectonic:

1. Board to discuss SEQR.
 - A. Applicant to discuss outreach to emergency services.
2. Applicant to discuss project.
3. Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes and Agricultural Notes.
4. The proposed limit of disturbance shows clearing of an existing wooded area and removal of up to 15 trees, 4 of which were recently planted as screening landscaping. Board and applicant to discuss replacement of trees. Show planting of coniferous trees (which may include removed healthy trees) along with proposed topsoil and seeding in disturbed area, to the Town Planner's specification.
5. Board and applicant to discuss safety and maintenance issues at monopine.
6. FOR THE RECORD – The applicant revised the Structural Analysis Report. The analysis includes all existing and proposed wireless telecommunications facilities on the monopine. The analysis reveals, and the Town Engineer agrees, that with Verizon's proposed installation the tower is at its full capacity.
7. On drawing sheet Z-5,

- a. Call-out the T-Boom Assembly model number & manufacturer. Provide a catalog cut or technical data from the manufacturer with sufficient information to confirm that the wind area is equal to or less than the number used in the analysis.
 - b. Antenna mounting notes 1 and 6 refer to Rev F of the TIA/EIA standard. As requested, the applicant has revised its analysis to use Rev G and the notes should reflect the change.
8. The final drawings should indicate the same antenna models as that being used in the structural analysis of the tower.
 9. As regards the faux branches within the level that the proposed facilities are to be installed, the applicant notes in their response that “It remains possible that faux branches have been placed at that level ... and, if so, will need to be removed to accommodate Applicant’s equipment ... Applicant submits that the overall look of the tower will not meaningfully be changed.” Board and applicant to discuss.
 10. Applicant has affirmed that all appurtenant cabling for its installation will be inside the tower. Board to consider a map note.
 11. Pay outstanding review fees.

The following comment submitted by the Conservation Board, dated 4/1/09:

Verizon #2 / Gary & Kathy Randall – CB has no comments.

The following comment submitted by the ARB:

Verizon #2 / Gary & Kathy Randall – None submitted.

Comment #1: Board to discuss SEQR.

Mr. Fink: The Planning Board has been reviewing this application as Lead Agency. There is an outstanding issue regarding the potential visual impacts. We have a plan that indicates that there would be about 15 trees removed in an area where there would be some re-grading down slope of the proposed equipment shelter. At this point we don’t have any information as to whether they would be significant trees or 2” saplings. On the site plan, it was only indicated that there would be trees removed. That relates to visual impacts on whether or not this would open up broader views of the tower. That would be the primary issue outstanding under SEQR.

Mr. Bollenbach: Ted, is there an additional issue that there would be some faux branches to be removed so they could install this additional equipment? Would that have any impact on the visual aesthetics?

Mr. Fink: In the site plan that the applicant submitted, that was a question as to the accuracy of the drawing as far as a realistic depiction of the branches being removed and replaced with antennas. That would be a question for the applicant. We do have a drawing that shows the elevation of the proposed trees, drawing Z5. It does show the antennas. It shows them as if they were hidden within all of the faux branches. The question would be whether or not if any of those branches would remain off the trees or put up after the antennas are installed.

Cliff Rohde: Sure. We could talk about these issues. Do you want to address the faux branches first or the real branches first?

Mr. Astorino: You could discuss the faux branches first.

Zen Wojcik: Mr. Chairman, that would be stated in comment #9.

Mr. Astorino: Ok. Didn't we discuss this at the Work Session about the visual on this? I think we had done that. Let us move onto the other comments.

A. Applicant to discuss outreach to emergency services.

Cliff Rohde: Right. After the last meeting, I had conversations with Connie regarding this matter. We have sent out the letters to the emergency services. We received no comments about safety concerns with respect to this particular project. I don't know if the Board received comments. We did receive comments from the Police Chief.

Connie Sardo: The only response we received was from the Police Chief. The applicant did send out letters to all of the emergency services. The emergency services have 30 days to respond.

Mr. Astorino: Ok.

Comment #2: Applicant to discuss project.

Mr. Astorino: Do you have anymore? Is it pretty much what Ted had described?

Cliff Rohde: Yes. We have talked about this before. This would be the third time. Hopefully the third time would be a charm.

Comment #3: Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes and Agricultural Notes.

Cliff Rohde: Yes. There might have been a miscommunication on that particular point. I was under the understanding after speaking with Connie on what you wanted was after the approval was to record the information based on these plans with these notes. On prior applications, unrelated to our own application, there were recorded similar declarations. If it would be those numbers of the declarations about the Ridgeline Overlay Notes and Agricultural Notes that have already been filed, if you want those referenced in our plans, we could put those in the next submission.

Mr. Astorino: John, is that what you are looking for?

Mr. Bollenbach: Yes. There have been declarations previously recorded for this property. It still runs with the land. It affects the property. You would want to see what those map notes were. See if they accurately reflect what has already been recorded and reference the liber and page.

Cliff Rohde: Right. Our map notes currently do not reference the previously filed declaration and liber page. I do have that information. We will get that in the next submittal.

Mr. Bollenbach: That would be fine.

Comment #4: The proposed limit of disturbance shows clearing of an existing wooded area and removal of up to 15 trees, 4 of which were recently planted as screening landscaping. Board and applicant to discuss replacement of trees. Show planting of coniferous trees (which may include removed healthy trees) along with proposed topsoil and seeding in disturbed area, to the Town Planner's specification.

Cliff Rohde: One of the issues with the coniferous trees, we had shown that in plans that we submitted. That plan is currently before the Board. With respect to proposed topsoil and seeding, I believe we provided some information about that. To the extent that the Town Planner has any specifications, we have not received that.

Mr. Astorino: Ted, do you have anything on that?

Mr. Fink: We have talked about the replacement of trees with coniferous species. But, the area of that was new information that I haven't seen previously was the identification of 15 trees in the area that had been re-graded.

Cliff Rohde: Right.

Mr. Fink: Are those deciduous or coniferous? What would be the most appropriate tree that would be planted in there? You need to know if this was a very heavy tree cover. If so, it would be difficult to establish new trees. There would be the lack of sunlight. There are issues that relate to that. We are looking for some further information from you.

Cliff Rohde: I think the extent of the visual impact of the project regarding the removal of these trees would not affect that whatsoever. Because of the slope of the area where the project is and where the houses and roads are, those trees that need to be removed because of the grading that we need to do in order to put in our equipment shelter, it would not affect the visual impact to any extent. Paul and I went to the site before coming to the meeting tonight. I will turn it over to Paul to discuss more about planting some of those trees and trees to be removed.

Paul Fanos: Our original intention regarding planting them in the area of where we would be removing the trees was due to the nature of the slope, the 2 trees on the slope would not survive because of the condition. We were thinking about putting the landscaping along the road parallel to Route 94 right on the side. That would be in front of the compound. That would shift more view from the road with coniferous trees places along that side.

Mr. Fink: If you would like, I could go out to the site on Monday night to take a look at it.

Mr. Astorino: That would be a good idea. Paul, you might want to hook up with our Planner to give him a quick overview of what you would do out there.

Paul Fanos: Right.

Mr. Fink: That would be good. Then, I could advise the Board properly about that.

Paul Fanos: There would be about 90 feet between the road and the compound for the landscaping.

Mr. Astorino: We would put that to the Town Planner's specifications.

Mr. Fink: Yes.

Mr. McConnell: Are you saying that the trees shown to be removed, you could not see them from the road anyway?

Cliff Rohde: No. You cannot see those trees from the road.

Mr. McConnell: What about the size?

Paul Fanos: I didn't see many bigger than 4" in diameter.

Mr. McConnell: You didn't see many or any?

Paul Fanos: I didn't see any bigger than 4" in diameter. It looked most of them where in the 2" to 4" range. The only coniferous trees were the ones that were recently planted. We agreed to replace those trees.

Cliff Rohde: We did not do a formal tree survey.

Mr. McConnell: Understood.

Comment #5: Board and applicant to discuss safety and maintenance issues at monopine.

Zen Wojcik: Mr. Chairman, this relates back to the previous comment from the last meeting we had. There was notification to the Building Department about the faux branches falling UNDER the weight of the ice and snow we had this past winter. There was also notification to the Building Department about the condition of the access road. The people who own the tower, we don't know to what extent the occupants of the tower, the other two companies, have a responsibility in keeping the road clear and the tower in good condition. I think that was what we discussed at the Work Session. That was the nature of the discussion.

Mr. Astorino: Ok.

Zen Wojcik: The Board was asking if there was an agreement.

Cliff Rohde: Right. Generally speaking, when these agreements come about, the tower owner would be the one responsible for clearance of the access way.

Mr. McConnell: Are you saying generally speaking? Does that mean you are saying that it would be this specific agreement?

Cliff Rohde: Yes. I have not reviewed these recently. But, I could almost guarantee it. Verizon Wireless and T-Mobile are national players.

Mr. Bollenbach: Would you be able to provide me with some documentation for maintenance of the access? We have an issue with maintaining safe access. It hasn't been maintained. You are before the Board. We want to make sure that there would be some assurances that it would be adequately maintained.

Cliff Rohde: I can't make those assurances. I am not the tower owner.

Mr. Bollenbach: Could you provide a copy of the lease agreement to indicate who has the responsibility to maintain it?

Cliff Rohde: It was also unclear to me from information that the Board had. I understand that we were provided with a memo regarding that the access drive was unplowed. I don't know when that was. I don't know if it was plowed immediately afterwards. I don't know what the conditions were. I know that was a snowy winter. I don't know if it was a prolonged consistent issue or if it was a onetime thing.

Mr. Bollenbach: I don't know. I was looking for you to provide me with that information.

Mr. Astorino: Could you provide our Attorney with some information on who would be responsible for maintaining the access road?

Mr. Bollenbach: It would not be just for maintenance of the access road. It would also be for the maintenance of the faux branches. They are falling off. What structural modifications have been done to insure that they wouldn't continue to fall off. Does the pole have to be modified somehow? We are looking for some information. What has been done? How has it been fixed?

Mr. Astorino: Regarding the faux branches that you brought up as far as the ice storm, we were losing trees everywhere. That would be an issue. Who would maintain them or repair them? I don't think anybody could sit here and say that something would last forever. We had a bad storm. Branches went down. They would have to be repaired.

Mr. McConnell: You raised a good point. Is this tower aging to the point where now we see these things falling off?

Mr. Astorino: That was a point from our Attorney. Where are we on who would be responsible for maintenance?

Zen Wojcik: Mr. Chairman, our Code requires the tower owner to submit an annual structural report. We had an annual structural report that was submitted at the beginning of the year. It was stated in the report that the tower was in good condition.

Mr. Bollenbach: Was that in the beginning of this year 2009?

Zen Wojcik: Yes. That was done at the beginning of this year. They are up to date.

Mr. Bollenbach: Was that after the branches fell off?

Mr. Astorino: That was probably done before.

Zen Wojcik: No. It wasn't done after the branches fell off.

Mr. Bollenbach: Maybe, we could find out the timing of that.

Zen Wojcik: I had a discussion with the Building Inspector. He did not issue a violation for the fallen faux branches. The Building Inspector had said he would have a conversation with the tower owner. We will see where we will go with that.

Mr. McConnell: Could we get a report on that after that happens?

Cliff Rohde: As requested, we relayed that information to the tower owner as well.

Zen Wojcik: You are correct. I want to mention that to the Board. These gentlemen did relate the information that the Board wanted.

Mr. Astorino: Ok. Essentially, from what you are saying, the tower owner would be responsible for the maintenance of that tower. They are the ones putting in the annual report.

Zen Wojcik: At the very minimum, yes. The Board had asked a question if there was some agreement. We are not aware of that. There is nothing on record.

Mr. McConnell: Maybe, there would be a contractual obligation on the part of the tenants.

Mr. Astorino: That was what John had said.

Cliff Rohde: That would be highly unusual.

Mr. McConnell: It could happen. You are not going to guarantee me that it did not happen. That is all we are asking. Provide us with the information.

Mr. Astorino: That would be something for them to provide.

Comment #6: FOR THE RECORD – The applicant revised the Structural Analysis Report. The analysis includes all existing and proposed wireless telecommunications facilities on the monopine. The analysis reveals, and the Town Engineer agrees, that with Verizon's proposed installation the tower is at its full capacity.

Zen Wojcik: Mr. Chairman, one of the structural comments we had previously, the initial design that was done by T-Mobile said that up to 3 more tenants could be on this pole. The Board has already approved Cellular One. Now, Verizon is asking to be approved. We had asked the applicant to give us a calculation to show us where we were with the tower. The analysis of the tower showed that when their facility comes up, it would be as loaded as it could be.

Mr. Astorino: That would be once Verizon would be completed.

Zen Wojcik: Right. Unless, there would be some modification to the structure itself.

Mr. Astorino: Would there be a note on the plan stating that?

Zen Wojcik: Yes.

Mr. Astorino: Ok.

Comment #7: On drawing sheet Z-5,

- a. Call-out the T-Boom Assembly model number & manufacturer. Provide a catalog cut or technical data from the manufacturer with sufficient information to confirm that the wind area is equal to or less than the number used in the analysis.

Cliff Rohde: There were a few lines of questions we suggested properly to the Building Inspector, rather than the Planning Board. With that said, the T-Boom Assembly would be designed according to what was said in the structural analysis report. We are required to do that. I hope that wouldn't be something that would hold the Board up. That information would be provided at the time to the Building Inspector when we go for the building permit assuming we get approval from the Planning Board. I hope the Board would be willing to move ahead on this with some sort of a condition that the information would be provided.

Mr. Astorino: All it would be is a cut sheet from the manufacturer.

Mr. Bollenbach: This could be a condition of the approval. That could be provided prior to the maps being signed.

Mr. Astorino: That would not be a problem. It doesn't seem like a major issue.

- b. Antenna mounting notes 1 and 6 refer to Rev F of the TIA/EIA standard. As requested, the applicant has revised its analysis to use Rev G and the notes should reflect the change.

Cliff Rohde: We could revise that.

Comment #8: The final drawings should indicate the same antenna models as that being used in the structural analysis of the tower.

Cliff Rohde: That would be another one of those issues. There is a problem with the premise of the question. The way that these projects roll out over a fair amount of time, this Board has seen as we are entering our 5th month being before the Board, antenna specs could change over time. Manufacturers are changing things. We could provide better quality service in an antenna with a smaller package. We design these things conservatively. You would see in a structural report or in the drawings a conservative design. That would allow us we hope would be the freedom to put something on that would be a little smaller. I would hope also in this case the Board would allow some sort of a condition if this would be insisted upon. Again, I could not stress upon it enough that this would be a Building Inspector's issue not a Planning Board issue.

Mr. Bollenbach: Zen, could we put some note on to that effect?

Zen Wojcik: Yes. That in the comment.

Mr. Bollenbach: Put that on the plan. That could be a condition of the approval. We could grant an approval. Before the maps get signed, revise that note so we know it would not have any greater impact than a specified model number.

Cliff Rohde: No problem.

Comment #9: As regards the faux branches within the level that the proposed facilities are to be installed, the applicant notes in their response that “It remains possible that faux branches have been placed at that level ... and, if so, will need to be removed to accommodate Applicant’s equipment ... Applicant submits that the overall look of the tower will not meaningfully be changed.” Board and applicant to discuss.

Mr. Astorino: Do any Board members have any questions? We discussed this at the Work Session. Regarding the visual, I don’t think it would be too big of a deal. Zen or Ted, do you have anything?

Zen Wojcik: You are reading the response from the applicant. I took that from their response.

Mr. Astorino: Yes. That was what I was saying.

Zen Wojcik: If the Board feels that it would be an adequate response, then fine.

Mr. Astorino: We know their position. That was why I asked the Board.

Mr. Bollenbach: Ted had said that he would be going out there on Monday. The applicant had offered to plant some additional trees in a different location on the property to better screen Route 94.

Mr. Astorino: Ted, you said you would be going out there to take a look at it.

Mr. Fink: Yes.

Comment #10: Applicant has affirmed that all appurtenant cabling for its installation will be inside the tower. Board to consider a map note.

Cliff Rohde: Ok.

Comment #11: Pay outstanding review fees.

Cliff Rohde: Ok.

Mr. Astorino: Do any Board members or Professionals have any comments or concerns? This is a public hearing. If there is anyone in the audience wishing to address the Verizon Wireless #2 / Gary and Kathy Randall application, please rise and state your name for the record. Let the record show no public comment.

Mr. Showalter makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: Verizon Wireless # 2 Site Plan

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed wireless antenna installation on an existing camouflaged monopole, 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 10/31/08, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

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

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

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

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

Mr. Kowal makes a motion on the Gary and Kathy Randall application, granting Site Plan Approval for the construction and use to operate antennas on an existing camouflaged monopole wireless telecommunications tower along with an adjacent accessory equipment shelter and appurtenant cabling and equipment, entitled, *Verizon Wireless #2*, situated on tax parcel S 19 B 1 L 47.21; project located on the southwestern side of Route 94 900 feet set back from Route 94 (Gary Randall property), in the MT zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on 4/1/09. Approval is granted subject to the following conditions:

1. Provide the Declaration and the Recording Information on the plan for Ridgeline Overlay Notes and Agricultural Notes.
2. The proposed limit of disturbance shows clearing of an existing wooded area and removal of up to 15 trees, 4 of which were recently planted as screening landscaping. Board and applicant to discuss replacement of trees. Show planting of coniferous trees (which may include removed healthy trees) along with proposed topsoil and seeding in disturbed area, to the Town Planner's specification.
3. Applicant to provide contractual documentation for maintenance at monopine to Planning Board Attorney's specifications.

4. FOR THE RECORD – The applicant revised the Structural Analysis Report. The analysis includes all existing and proposed wireless telecommunications facilities on the monopine. The analysis reveals, and the Town Engineer agrees, that with Verizon’s proposed installation the tower is at its full capacity.
5. On drawing sheet Z-5,
 - a. Call-out the T-Boom Assembly model number & manufacturer. Provide a catalog cut or technical data from the manufacturer with sufficient information to confirm that the wind area is equal to or less than the number used in the analysis.
 - b. Antenna mounting notes 1 and 6 refer to Rev F of the TIA/EIA standard. As requested, the applicant has revised its analysis to use Rev G and the notes should reflect the change.
6. The final drawings should indicate the same antenna models as that being used in the structural analysis of the tower.
7. As regards the faux branches within the level that the proposed facilities are to be installed, the applicant notes in their response that “It remains possible that faux branches have been placed at that level ... and, if so, will need to be removed to accommodate Applicant’s equipment ... Applicant submits that the overall look of the tower will not meaningfully be changed.”
8. Applicant has affirmed that all appurtenant cabling for its installation will be inside the tower. Applicant to provide map note.
9. Pay Outstanding Review Fees.

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

Cliff Rohde: Thank you.

Review of Submitted Maps:*Norma Jean Fusco*

Application for Sketch Plat Review of a proposed 12-Lot + 1-Affordable Home cluster subdivision, situated on tax parcel S 18 B 1 L 31.2; parcel located on the southern side of Taylor Road, 920± feet east of the intersection of Taylor Road with Jessup Road, in the RU zone, of the Town of Warwick. Previously discussed at the 12/5/07 Planning Board meeting.

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

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
 - A. Locate and identify the diameter and species of isolated trees.
2. Applicant to discuss project.

YIELD PLAN (DATED 8/26/05), LAST REVISED: 10/11/05

3. No further comments. Board accepted Yield Plan by consensus, November 16, 2005.

CLUSTER PLAN (DATED 9/30/05, LAST REVISED 3/5/09)

4. Submit an application and fee for Site Plan & Special Use Permit Approval for the affordable house.
5. Applicant proposes a Town Road. Board to discuss referral to Town Board.
6. Per §A168-10D, testing of the road subgrade and design of the pavement is required. Provide test results and pavement design calculations for Town Engineer's review and approval.
7. Revise the Pavement Detail Section (sheet 6) per §A168-11 & 21A, B, D, & E and pavement design. The Pavement Detail Section and the Street Cross Section are contradictory.
8. The side yard setbacks on Lots 2 and 5 are shown incorrectly. The drainage easement limit symbol is the same as the proposed major contour and Ridgeline Overlay District symbols shown on various Legends. Line symbols should be unique to the purpose intended so as to avoid confusion.
9. Board and applicant to discuss Notes 10 and 11 regarding drainage easements and responsibility for maintenance of Stormwater Management facilities.
10. Provide drainage easements for the following stormwater management facilities:
 - o Bioretention (Lot 5) discharge pipe onto Lot 13.
 - o Outlet of culvert at Common Driveway ±Sta. 11+35 onto Lot 13 (should the culvert be repositioned to catch swaled runoff from unrestricted portion of Lot 13, an easement would not be required.)
 - o Outlet of culvert at Common Driveway ±Sta. 4+90 onto Lot 13.
 - o Rain gardens and high-flow bypass channel (from Lot 12) on Lot 13.
11. Reference to Sheet 9 for rain garden details (on Sheet 5) should be revised.
12. Note that the existing contaminated well at Taylor Road and the Common Driveway should be abandoned in accordance to OCHD standards.
13. Note the location on the Grading and Utility Plan where "minor clearing" is required to improve sight distance.
14. Show the locations of street signs proposed by the applicant.

15. Provide a detail for permanent stabilization of the Bioretention Area maintenance access road.
16. Provide a specific landscaping plan for the Bioretention Area, per the NYS Stormwater Management Design Manual.

SWPPP COMMENTS (SWPPP REPORT 10/14/08, REV. 2/09)

17. Bioretention Area should be placed offline of the main conveyance system.
18. A flow regulator (or flow splitter diversion structure) should be incorporated in order to divert the WQv to the Bioretention practice, and allow larger flows to bypass the practice.
19. Show calculations to support the implementation of pretreatment equivalent to at least 25% of the computed WQv.
20. Extend Bioretention discharge pipe to edge of delineated wetland. Provide outlet protection and include supporting calculations that effluent velocities are mitigated to non-erosive flows.
21. Add note on rain garden detail that a dense and vigorous vegetative cover shall be established and maintained. Reshape rain gardens to 2:1 length to width ratio where the length of the rain garden runs approximately perpendicular to the pretreatment drainage flow path.
22. Provide a note to ensure that no stormwater runoff will enter the Bioretention facility until all contributing drainage areas have achieved final stabilization.
23. Provide a narrative of the design approach for Watershed A2 and item by item description of how the runoff flows through the system should be incorporated into the SWPPP.
24. It is not evident how construction runoff will drain into Sediment Trap #1.
25. Provide a narrative in the SWPPP describing how the high flow bypass channel and the rain garden flow splitter will function.

WELL TESTING & MONITORING

26. Applicant proposes testing an existing well on the site, designated Well #1, located east of proposed Lot 9. Town Engineer, in March 2, 2009 letter, recommended testing well at proposed Lot 3 as more representative of potential off-site impacts. In a March 16 telephone conversation, OCHD concurred. Applicant to revise work plan.
27. Using the results of the well test and monitoring program at the Lot 3 well, the applicant's professionals are requested to provide a discussion regarding the potential long-term viability and yield of proposed Lot 5 through 11 wells.

BEFORE FINAL APPROVAL:

28. Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes, Agricultural Protection Notes, Open Space Conservation Notes, Stormwater Management Facility Ownership and Maintenance Notes and Common Driveway Use and Maintenance Notes.
29. Provide the recording information on the plan for the irrevocable offer of dedication of the proposed Town Road and dedication of portions of Taylor and Jessup Roads.
30. Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners and corners of open space.
31. Propose a road name for the town road. Applicant to provide 9-1-1 addressing.
32. Pay parkland fees.
33. Pay Landscape Maintenance Bond (street trees, SWPPP landscaping) for period of 3 years.
34. Pay Performance Bond and construction inspection fee for public improvements (road, stormwater management facilities, and erosion control measures).
35. Pay outstanding review fees.

The following comment submitted by the Conservation Board, dated 4/1/09:

Norma Jean Fusco - There does not appear to be any trees shown on the plan. There appears to be driveways going over wetlands and some septic system appear too close to wetlands. Finally, it is not clear where the bio-retention area is located.

The following comment submitted by the ARB.

Norma Jean Fusco – None submitted.

Comment #1: Board to discuss SEQR.

Mr. Fink: The Planning Board is Lead Agency on this application. We have been reviewing it with the extended EAF. There are several SEQR comments in the list of comments tonight that we will be going through.

A. Locate and identify the diameter and species of isolated trees.

Dave Higgins: I understand that is part of the Town Code.

Mr. Astorino: Yes.

Dave Higgins: Would that just be in the area of disturbance?

Mr. Astorino: I believe so. Ted, would those isolated trees be located in the area of disturbance?

Mr. Fink: Yes.

Comment #2: Applicant to discuss project.

Dave Higgins: The project has been before the Planning Board for several years now. It has not changed significantly since the time it has been in front of the Planning Board. Since the last meeting the main changes were to the stormwater management facilities. We looked at the plan again in light of the Town Engineer's recommendations for low impact development design. We implemented all of the features that were requested. We eliminated the extended detention pond. We are now using a bio-retention area. It has a smaller footprint. It would require less maintenance than a pond. We have also added rain gardens in several areas throughout the site. It would keep it within low impact development guidelines.

YIELD PLAN (DATED 8/26/05), LAST REVISED: 10/11/05

Comment #3: No further comments. Board accepted Yield Plan by consensus, November 16, 2005.

CLUSTER PLAN (DATED 9/30/05, LAST REVISED 3/5/09)

Comment #4: Submit an application and fee for Site Plan & Special Use Permit Approval for the affordable house.

Dave Higgins: Will do.

Comment #5: Applicant proposes a Town Road. Board to discuss referral to Town Board.

Mr. Astorino: Would this be the road that would serve 9 lots?

Dave Higgins: Yes.

Mr. Astorino: Would it be with a cul-de-sac?

Dave Higgins: Yes.

Mr. Astorino: I just want to give you a heads up on something. The Town Board in a situation like this would probably be looking for a private road. They are not looking for anymore cul-de-sacs in the Town.

Dave Higgins: Ok. Do they have a new policy?

Mr. Astorino: I believe it would be done on a case-by-case basis.

Dave Higgins: Ok.

Mr. Astorino: It is a smaller road.

Mr. Bollenbach: It was not going to be something like a through road or a future connection.

Zen Wojcik: It would be 11 lots on this road.

Mr. Astorino: I thought it would be for 9 lots.

Zen Wojcik: John, what would the maximum be that you could have on a private road?

Mr. Bollenbach: This is a cluster subdivision. You could have up to 18 lots with a single access.

Mr. Fink: I believe there are 11 lots.

Dave Higgins: Lot 1, the driveway comes off Taylor Road. Lot 1 is the existing lot. It would be for 10 lots.

Mr. Astorino: Ok. It would be for 10 lots. That would be something for you to hash out with the Town Board.

Dave Higgins: The course of action would be for us to make a petition to the Town Board. We would see if they would want to consider it. Then, we would see what would come out of that.

Mr. Astorino: Yes. Right.

Dave Higgins: Ok.

Comment #6: Per §A168-10D, testing of the road subgrade and design of the pavement is required. Provide test results and pavement design calculations for Town Engineer's review and approval.

Dave Higgins: Will do. Could we do that prior to final?

Mr. Bollenbach: That would be for Town Road specifications.

Dave Higgins: Yes. Could we do that prior to final?

Mr. Bollenbach: Yes. If you go with a private road, there might be some cost savings to the applicant.

Zen Wojcik: This testing of the sub-base was one of those issues when it came on; we had a couple applications that were in the pipeline. The Board decided that this didn't have to be done until final approval. But, this is some important information to be shown on the plan that there might be areas that would not be suitable for a road. There might be areas where construction of the road would not be the best of all things. We had situations in the Town this past winter where a road completely fell to pieces. That happened mainly because of sub-grade failure. I would like to see some information come before the Board on this matter. The applicant would have an opportunity to react to that rather than the Board approving something. Then, you could come back to the engineer saying that you could not do that.

Dave Higgins: I could tell you how we would look at that. If we encountered poor material, generally there would be a number of ways to deal with that. It wouldn't mean that you would have to relocate the road. You could basically excavate out the sub-grade and replace it with good material using a geo-tech style fabric. We could come up with at detail that would meet the Town road's specifications. The reason why we would like to put it off would be if for some reason we have public hearings still to have, if the road location has changed at all, we would have to redo the work. Regardless of what soils you see there, it would not change the location of the road. We would hate to do testing and then find out we would have to do more testing later because the road has changed.

Zen Wojcik: You don't want to do the testing because regardless of what happens with the soils the road would not change. But, you don't want to do the testing because the road might change.

Dave Higgins: As a result of some other comments.

Mr. Astorino: What you are saying is that you don't want to do the testing now. Is that what you are saying?

Dave Higgins: We would certainly do the testing. It is a requirement. We would prefer to do that after preliminary approval.

Mr. Astorino: That would be fine. You pointed out that even if it would be a private road some testing might be required.

Dave Higgins: Yes. I believe the private road's specifications state that they would have to be in accordance with the Town road's specifications.

Mr. Astorino: I think testing would be a good thing.

Comment #7: Revise the Pavement Detail Section (sheet 6) per §A168-11 & 21A, B, D, & E and pavement design. The Pavement Detail Section and the Street Cross Section are contradictory.

Dave Higgins: That will be done as soon as the soil testing and road design would be done.

Comment #8: The side yard setbacks on Lots 2 and 5 are shown incorrectly. The drainage easement limit symbol is the same as the proposed major contour and Ridgeline Overlay District symbols shown on various Legends. Line symbols should be unique to the purpose intended so as to avoid confusion.

Dave Higgins: We will fix those.

Comment #9: Board and applicant to discuss Notes 10 and 11 regarding drainage easements and responsibility for maintenance of Stormwater Management facilities.

Mr. Astorino: Zen, is there anything on there that you want to bring up?

Zen Wojcik: In Note #10, it is stated as follow: *"Drainage easements within lot 5 in favor of the Town of Warwick. The Town shall have the right not the obligation of entering upon the easement for the purpose of maintaining the drainage facilities. The responsibility of maintaining the drainage facilities within the easement shall be that of the owner of lot 5."* In Note #11, it is stated as follow: *"Drainage easements within lot 2 in favor of the Town of Warwick. The Town shall the right but not the obligation of entering upon the easement for the purpose of maintaining the drainage facilities. The responsibility of maintaining the drainage facilities within the easement shall be that of the owner of lot 2."* This comment questions the way that the stormwater would be maintained on the site. Our Attorney was not at the Work Session for this discussion. John, I don't know if it would be consistent with what the Board has been doing in the past.

Mr. Bollenbach: It would all depend on if this would be a Town road or Private road. If its going to be a Private road, there might be some Homeowners Association to take care of the road and perhaps all of the drainage. It would be looked at on a case-by-case basis on how interrelated it would be to the road itself. Rather than there being easements in favor of the Town, they might be in favor of the HOA. Maybe, it could be a combination where it would be the lot owners initial obligation with enforcement right in the HOA and maybe backup enforcement right with the Town. That is something that could be worked out as we progress.

Dave Higgins: Yes. I spoke with Mrs. Fusco's attorney. They said that they would be open to whatever the Town wanted to do.

Mr. Astorino: That would be something that would be worked out.

Comment #10: Provide drainage easements for the following stormwater management facilities:

- Bioretention (Lot 5) discharge pipe onto Lot 13.
- Outlet of culvert at Common Driveway ±Sta. 11+35 onto Lot 13 (should the culvert be repositioned to catch swaled runoff from unrestricted portion of Lot 13, an easement would not be required.)
- Outlet of culvert at Common Driveway ±Sta. 4+90 onto Lot 13.
- Rain gardens and high-flow bypass channel (from Lot 12) on Lot 13.

Dave Higgins: We could do that.

Comment #11: Reference to Sheet 9 for rain garden details (on Sheet 5) should be revised.

Dave Higgins: Will do.

Comment #12: Note that the existing contaminated well at Taylor Road and the Common Driveway should be abandoned in accordance to OCHD standards.

Dave Higgins: Will do.

Comment #13: Note the location on the Grading and Utility Plan where “minor clearing” is required to improve sight distance.

Dave Higgins: Will do.

Comment #14: Show the locations of street signs proposed by the applicant.

Dave Higgins: Will do.

Comment #15: Provide a detail for permanent stabilization of the Bioretention Area maintenance access road.

Dave Higgins: Will do.

Comment #16: Provide a specific landscaping plan for the Bioretention Area, per the NYS Stormwater Management Design Manual.

Dave Higgins: Will do.

SWPPP COMMENTS (SWPPP REPORT 10/14/08, REV. 2/09)

Comment #17: Bioretention Area should be placed offline of the main conveyance system.

Dave Higgins: Will do.

Comment #18: A flow regulator (or flow splitter diversion structure) should be incorporated in order to divert the WQv to the Bioretention practice, and allow larger flows to bypass the practice.

Dave Higgins: Will do.

Comment #19: Show calculations to support the implementation of pretreatment equivalent to at least 25% of the computed WQv.

Dave Higgins: Will do.

Comment #20: Extend Bioretention discharge pipe to edge of delineated wetland. Provide outlet protection and include supporting calculations that effluent velocities are mitigated to non-erosive flows.

Dave Higgins: Will do. Mr. Chairman, I don't have any problems with the rest of the SWPPP comments #21 through #25.

Mr. Astorino: Ok. We will list comments 21 through 25 for the record.

Comment #21: Add note on rain garden detail that a dense and vigorous vegetative cover shall be established and maintained. Reshape rain gardens to 2:1 length to width ratio where the length of the rain garden runs approximately perpendicular to the pretreatment drainage flow path.

Comment #22: Provide a note to ensure that no stormwater runoff will enter the Bioretention facility until all contributing drainage areas have achieved final stabilization.

Comment #23: Provide a narrative of the design approach for Watershed A2 and item by item description of how the runoff flows through the system should be incorporated into the SWPPP.

Comment #24: It is not evident how construction runoff will drain into Sediment Trap #1.

Comment #25: Provide a narrative in the SWPPP describing how the high flow bypass channel and the rain garden flow splitter will function.

WELL TESTING & MONITORING

Comment #26: Applicant proposes testing an existing well on the site, designated Well #1, located east of proposed Lot 9. Town Engineer, in March 2, 2009 letter, recommended testing well at proposed Lot 3 as more representative of potential off-site impacts. In a March 16 telephone conversation, OCHD concurred. Applicant to revise work plan.

Dave Higgins: I spoke to Tom Cusack today. They resubmitted the work plan.

Zen Wojcik: They did resubmit the work plan. Tectonic had looked at it. I received a memo from the reviewer recently stating that everything was fine. We are up to speed on this.

Mr. Astorino: All right.

Comment #27: Using the results of the well test and monitoring program at the Lot 3 well, the applicant's professionals are requested to provide a discussion regarding the potential long-term viability and yield of proposed Lot 5 through 11 wells.

Zen Wojcik: They have agreed to do that as well.

Mr. Astorino: Thank you.

BEFORE FINAL APPROVAL:

Comment #28: Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes, Agricultural Protection Notes, Open Space Conservation Notes, Stormwater Management Facility Ownership and Maintenance Notes and Common Driveway Use and Maintenance Notes.

Dave Higgins: Will do.

Comment #29: Provide the recording information on the plan for the irrevocable offer of dedication of the proposed Town Road and dedication of portions of Taylor and Jessup Roads.

Dave Higgins: Yes.

Comment #30: Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners and corners of open space.

Dave Higgins: Will do.

Comment #31: Propose a road name for the town road. Applicant to provide 9-1-1 addressing.

Dave Higgins: Will do.

Comment #32: Pay parkland fees.

Dave Higgins: Will do.

Comment #33: Pay Landscape Maintenance Bond (street trees, SWPPP landscaping) for period of 3 years.

Dave Higgins: Will do.

Comment #34: Pay Performance Bond and construction inspection fee for public improvements (road, stormwater management facilities, and erosion control measures).

Dave Higgins: Will do.

Comment #35: Pay outstanding review fees.

Dave Higgins: Will do.

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

Mr. McConnell: In comment #30, it talks about the corners of open space. This Board has been requiring for some time now the placement of stone cairns, not iron rods at the corners of open space.

Mr. Astorino: Yes. You are correct. It would be stone cairns at the corners of open space. Dennis, that was a very good point.

Mr. Fink: As far as the cluster plan is concerned, one of the purposes of clustering is to try and protect the farmland as part of the open space. There is a farmstead on the property. You are well within the 50% minimum open space. You have approximately 61+% of the property going in as open space. It would seem to make some sense to have lot 1 given a little more land. The reason for that would be for a future purchaser of lot 1 to have enough acreage for a viable mini or micro farm. It seems as if the lot itself runs itself fairly well to drawing out those boundaries and takes in some additional areas. I have looked at this in the relationship to soils. I think there would be some potential there to expand the size of that lot.

Dave Higgins: How much flexibility does the Planning Board have with regards to the configuration of lots? One of the reasons that the space was drawn the way it was, it was the need to have frontage for lot 13, which is all the way up on Jessup Road eventhough the access comes off Taylor Road.

Mr. Fink: You would be able to modify any of the Bulk requirements.

Mr. Bollenbach: This is a cluster subdivision.

Dave Higgins: Would that mean you could modify the frontage requirements?

Mr. Bollenbach: Yes.

Dave Higgins: Ok. That might even give us more flexibility in terms of what we would do with that open space. I will talk to the applicant, Norma Jean about that. I don't know what plan she has.

Mr. Astorino: Talk to your client about it.

Mr. Bollenbach: Dave, you might want to also discuss with the applicant if they would want to retain the two accessory apartments. There is one accessory apartment that is in a farm building and an additional accessory apartment in the farm building for the farm labor. In order to have the farm labor, you would have to have at least the minimal area to support the farm.

Dave Higgins: Right. Ok.

Mr. Astorino: Do any Board members or Professionals have anything further? We received a comment from the Conservation Board, dated 4/1/09.

Zen Wojcik: I believe the Board has already addressed the comment from the Conservation Board.

Mr. Astorino: I believe so.

Mr. Fink: We talked about that at the Work Session.

Mr. Astorino: Yes.

Dave Higgins: We request from the Board to be set for a public hearing.

Mr. Astorino: You would have to do your entire well testing before the public hearing.

Dave Higgins: What we were hoping to do was have the public hearing so the neighbors could be advised of the whole scope of the project. We think it would take about 2 months to have the wells drilled, tested, and the report completed.

Zen Wojcik: Mr. Chairman, if they don't have the results before the public hearing, they would have 2 public hearings.

Mr. Astorino: I was just going to say that. You might want to wait until you have those well results. I think that might be a big concern. That would be my opinion. But, if you want, we could set you for a public hearing.

Mr. McConnell: Or, would you rather have 2 public hearings?

Dave Higgins: I talked about this with Norma Jean and their attorney. We spoke about the possibility if we don't have that information in hand, then the public hearing would be adjourned. We would then have 2 public hearings. The opinion of Norma Jean and I was if we have the public hearing, it would let people understand the scope of the project. People would know if they would want to have their wells monitored or not.

Mr. Bollenbach: That would be the applicant's call.

Mr. Astorino: That would be fine. We could set you for a public hearing.

Mr. McConnell makes a motion to set the Norma Jean Fusco application for a Preliminary Public Hearing at the next available agenda.

Seconded by Mr. Singer.

Mr. Bollenbach: We were looking to save the applicant some money from additional meetings and additional reviews. It would be the applicant's option.

Dave Higgins: I understand. We spoke about it. The other possibility was that other issues could come to the table that we haven't discussed yet.

Mr. Astorino: That would be your option.

Mr. Bollenbach: Ted, did you have any comments on the location of lot #12 and #13 on the southeasterly corner of the property?

Mr. Fink: Yes. Those lots do involve one additional wetland crossing. Dave, I don't know if there was any flexibility.

Dave Higgins: That would be the narrowest place that we have the crossing. We are proposing an open bottom culvert for that.

Mr. Bollenbach: How long is that driveway?

Dave Higgins: It would be about 1300 feet.

Mr. Bollenbach: It would have to be paved in its entirety.

Dave Higgins: Does the common driveway have to be paved in its entirety?

Mr. Bollenbach: Yes.

Dave Higgins: The common portion would be a little over 1300 feet.

Mr. Astorino: The common portion would have to be paved.

Mr. Bollenbach: Let the applicant know what they are getting involved with.

Dave Higgins: Ok.

Mr. Astorino: Does the Board or Professionals have any other discussion? We have a motion and second on the setting of a public hearing.

Motion carried: 5-Ayes.

Dave Higgins: Thank you.

Ludmerer/Masker Fruit Farm

Application for “*Amended*” Final Approval for a proposed 6-Lot cluster subdivision entitled, “***Masker Fruit Farm, Inc.***”, situated on tax parcel S 53 B 1 L 20 and L 35; parcel located on the eastern side of Brady Road, closest intersection with Cascade Road, in the MT/CO zones, of the Town of Warwick. Final Approval was granted on 2/20/08.

Mr. Astorino: Today, I spoke to Kirk Rother, the applicant’s engineer. He asked to pull the Ludmerer/Masker Fruit Farm application off tonight’s agenda and be placed on the next Planning Board meeting of April 15, 2009 due to a family emergency. That won’t be an issue. We will put the application on the April 15, 2009 Planning Board meeting.

Jacob Pennings c/o Richard Pennings

Application for Sketch Plat Review of a proposed 18- Residential Lots + 1- Commercial Lot + 1-Affordable Home Cluster subdivision and Special Use Permit for 1-Affordable Home entitled, "***Orchard Valley***", situated on tax parcels S 51 B 1 L 28.21, S 63 B 1 L 1.22 and S 51 B 1 L 36; parcels located along the southern side of NYS Route 94 at the intersection of Warwick Turnpike (CR 12), in the RU/DS zones, of the Town of Warwick. Previously discussed at the 4/4/07 Planning Board meeting.

Mr. Astorino: Today, I spoke to Kirk Rother, the applicant's engineer. He asked to pull the Orchard Valley application off tonight's agenda and be placed on the next Planning Board meeting of April 15, 2009 due to a family emergency. That won't be an issue. We will put the application on the April 15, 2009 Planning Board meeting.

Other Considerations:

1. **Michael Buono Subdivision** – Letter from Lehman & Getz Engineering, dated 3/11/09 addressed to the Planning Board in regards to the Michael Buono Subdivision – requesting a 6-Month Extension on Final Approval of a proposed 2-Lot Subdivision, SBL # 10-1-64.3. Final Approval was granted on, 11/19/08. *The applicant's engineer has stated that the declarations have been filed, and they are awaiting the stamped copy from the Orange County Clerk's office. Once they have it in hand, they will submit it and the final copies of the plans for final review. The 6-Month Extension becomes effective on, 5/19/09.*

Mr. McConnell makes a motion on the Michael Buono Subdivision application, granting a 6-Month Extension on Final Approval of a proposed 2-Lot Subdivision, SBL # 10-1-64.3. Final Approval was granted on, 11/19/08. The 6-Month Extension becomes effective, on 5/19/09.

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

2. **Luft Subdivision** – Letter from Kirk Rother, P.E., dated 3/17/09 addressed to Planning Board and Letter from Heron's Ghyll Builders, dated 3/12/09 addressed to Kirk Rother – in regards to the Luft Subdivision requesting ***“Re-Approval”*** of Final Approval and special use permit of a proposed 22-Lot + 2-Affordable Homes subdivision, SBL # 26-1-110. Final Approval was granted on, 4/16/08. 6-Month Extension was granted on, 11/5/08, effective on, 10/16/08. *The applicant has had difficulty in obtaining the financing necessary in order to satisfy the conditions of final approval. “Re-Approval” of Final Approval becomes effective on, 4/16/09, subject to the conditions of final approval granted on, 4/16/08.*

Mr. McConnell makes a motion on the Luft Subdivision application, granting ***“Re-Approval”*** of Final Approval for a proposed 22-Lot cluster subdivision + 2-Affordable Homes subdivision and Special Use Permit for the affordable homes, entitled ***“Kenneth Luft Subdivision”***, situated on tax parcel S 26 B 1 L 110; parcel located on the northern side of Newport Bridge Road and at the intersection with Blooms Corners Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of Final Approval granted on, 4/16/08. (See attached). Re-Approval of Final Approval becomes effective on, 4/16/09.

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

3. **Round Hill Subdivision** – Letter from Steven Spiegel of Spiegel Legal, dated 3/18/09 addressed to the Planning Board – in regards to the Round Hill Subdivision requesting a 6-Month Extension on 2nd Re-Approval of Final Approval of a proposed 19-Lot + 1-Ag Lot cluster subdivision, SBL # 7-2-51.1. Final Approval was granted on 10/18/06. The 2nd Re-Approval of Final Approval was granted on, 10/1/08 became effective on, 10/17/08. *The applicant's attorney has stated that the extension is needed because of the condition for final approval requiring construction of roads and significant infrastructure, which real estate market and financial conditions do not permit at this time.* The 6-Month Extension on the 2nd Re-Approval of Final Approval becomes effective on, 4/17/09.

Mr. McConnell makes a motion on the Round Hill Subdivision application, granting a 6-Month Extension on 2nd Re-Approval of Final Approval of a proposed 19-Lot + 1-Ag Lot cluster subdivision, SBL # 7-2-51.1. Final Approval was granted on 10/18/06. The 2nd Re-Approval of Final Approval was granted on, 10/1/08 became effective on, 10/17/08. The 6-Month Extension on the 2nd Re-Approval of Final Approval becomes effective on, 4/17/09.

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

Mr. Astorino: I would like to clarify that.

Mr. Bollenbach: The approval does not require the construction of the roads.

Mr. Astorino: If you want to build the subdivision, then it would.

Mr. Bollenbach: It requires the posting of a bond.

Mr. McConnell: Ok.

Mr. Showalter: What he was saying was that he has no green, so he can't go.

Mr. Astorino: We are not stopping them from building.

Mr. Showalter: Correct.

4. **Wheeler Road Estates** – Letter from Ryan McGuire of Pietrzak & Pfau Engineering, dated 3/18/09 addressed to the Planning Board – in regards to the Wheeler Road Estates Subdivision requesting a 7th 6-Month Extension on Preliminary Approval of a proposed 31 Lot cluster subdivision, SBL # 8-2-44.223. Preliminary Approval was granted on, 11/2/05. The 6th 6-Month Extension was granted on, 10/15/08, became effective on 11/2/08. *At this time, the applicant's attorney is finalizing the paperwork for the formation of a drainage district for this project to be forwarded to the Planning office.* The 7th 6-Month Extension on Preliminary Approval becomes effective on, 5/2/09.

Mr. McConnell: John, have you seen any paperwork on this?

Mr. Bollenbach: No. I have not seen it recently. It might have been submitted some time ago.

Mr. McConnell: That would have been 42 months ago.

Mr. Bollenbach: I am not aware of that. I will look into that. I will get you the information on that.

Mr. McConnell makes a motion on the Wheeler Road Estates application, granting granted a 7th 6-Month Extension (Vote 5-0-0) on preliminary approval of a proposed 31-Lot subdivision, SBL # 8-2-44.223. Preliminary Approval was granted on, 11/2/05. The 7th 6-Month Extension becomes effective on, 5/2/09.

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

5. **Vieldhouse #2** – Letter from Ryan McGuire of Pietrzak & Pfau Engineering, dated 3/18/09 addressed to the Planning Board – in regards to the Vieldhouse #2 Subdivision requesting a 6-Month Extension on 2nd Re-Approval of Final Approval for a proposed 2-Lot subdivision, SBL # 53-1-39. Final Approval was granted on, 11/1/06. 2nd Re-Approval of Final Approval was granted on, 11/5/08 became effective on, 11/7/08. *The attorney is currently in the review process with the Town Professionals regarding the status of the existing driveway.* The 6-Month Extension on the 2nd Re-Approval becomes effective on, 5/7/09.

Mr. Astorino: Was that because they did not want to pave the driveway? Is that correct?

Zen Wojcik: They also have a drainage problem.

Mr. Astorino: Ok. They are in constant communication with you.

Mr. Bollenbach: I want to bring the Board up to speed on this. There is a common driveway. At the eleventh hour, the applicant also wanted to access the remainder lot in the rear. It is a very steep driveway. It is a common driveway. It requires paving. The Board accommodated this applicant to the greatest extent possible by reducing the width of the blacktop to minimize the cuts. We are still waiting for their engineering. There has been a conditional approval of this, but they have to provide the engineering to adequately address the drainage concerns. The applicant's professionals have not been providing that information. Zen, do you have any comment on that?

Zen Wojcik: We had a submission a year ago. It would be difficult to review something that you would only see once a year. Now, with the market being what it is, Pietrzak & Pfau Engineering has had an upheaval of staff. I don't know what will happen the next time out. It is terrible. The applicant has been bouncing along since the year 2005 in front of this Board for a variety of reasons.

Mr. Bollenbach: I just want to make it clear for the record, the longer these applications take, there are more reviews that the Planning Board's Professionals have to do. It is being dragged out. It was no fault of the Planning Board or its Professionals that this approval process was taking so long or that it became quite expensive to the applicant.

Mr. Astorino: We have given our approval to the project. The applicant had agreed to the conditions. It is pretty simple.

Mr. Kowal: Yes.

Mr. Bollenbach: Ok.

Mr. McConnell makes a motion on the Vieldhouse #2 application, granting a 6-Month Extension on the 2nd Re-Approval of Final Approval of a proposed 2-Lot Subdivision, SBL # 53-1-39. Final Approval was granted on, 11/1/06. 2nd Re-Approval of Final Approval was granted on, 11/5/08 became effective on, 11/7/08. The 6-Month Extension on the 2nd Re-Approval of Final Approval becomes effective on, 5/7/09.

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

6. Planning Board Minutes of 3/18/09 – Planning Board Minutes of 3/18/09 for Planning Board Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 3/18/09.

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

Correspondences:

Mr. Astorino: Connie, do we have any correspondences this evening?

Connie Sardo: No.

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. Showalter makes a motion to adjourn the April 1, 2009 Planning Board meeting.

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