

TOWN OF WARWICK PLANNING BOARD

April 15, 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 15, 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 Warrick Fitzgerald

Application for Site Plan Approval for the construction and use of decking to cover boat lift, replace existing deck material and install staircase from existing decking to backyard, located within "A Designated Protection Area" of Greenwood Lake, situated on tax parcel S 76 B 1 L 40 ; project located on the western side of West Cove Road (25 West Cove Road), in the SM zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Warrick Fitzgerald, Applicant. Wayne & Gina Reuvers, Purchasers of the Property.

Connie Sardo: Mr. Chairman, I have just received the certified mailings for the Warrick Fitzgerald Public Hearing.

Mr. Astorino: Thank you. Before we go onto the comments, this application was referred to the Planning Board due to the fact that there was a violation from the Building Department where this project was already constructed. That would be the reason why this application is before the Planning Board.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. Place a graphic scale on each scaled drawing.
4. In the Overlay Protection Districts table, circle "yes" for Traditional Neighborhood Overlay District.
5. The neighboring property owner, Reuvers, is purchasing the house and intends to merge with adjacent vacant land. Provide proof of lot merger.
6. FOR THE RECORD – A one-day dye test was conducted of the septic system and observed by the Town Engineer's representative on 3/31/09. There was no indication of dye on the grounds or in the lake as a result of the test.

7. Place a Lighting Note on the plans: "All outdoor lights shall be designed, located, installed, and directed in such manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property. The prohibitions and requirements listed in Section 164-43.4 of the Town Code shall apply to all proposed and existing outdoor lighting fixtures."
8. Pay outstanding review fees.

The following comment submitted by the Conservation Board, dated 4/15/09:

Warrick Fitzgerald – The CB has no comments.

The following comment submitted by the ARB.

Warrick Fitzgerald – None submitted.

Comment #1: Board to discuss SEQR.

Mr. Fink: The applicant provided us with a short EAF. I compared it with the thresholds in the SEQR regulations. This application could be classified as a Type 2 Action. The Board has not yet done anything under SEQR. I prepared a Type 2 Action Resolution for the Board's determination.

Mr. Showalter makes a motion for Type 2 Action.

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

617.6
State Environmental Quality Review (SEQR)
Resolution
Type 2 Action

Name of Action: Warick FitzGerald Deck

Whereas, the Town of Warwick Planning Board is in receipt of a Site Plan application by Warick FitzGerald for a ± 0.2 acre parcel of land located at West Cove Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 6/25/08 was submitted at the time of application, and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is a Type 2 Action that meets the thresholds found in 6 NYCRR 617.5(c)(10) and, therefore, SEQR does not apply, and

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

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

Now Therefore Be It Resolved, that the Planning Board hereby declares that no further review under SEQR is required.

Comment #2: Applicant to discuss project.

Wayne Reuvers: We own a piece of land next to the Fitzgerald property. We are purchasing the Fitzgerald property. We are merging the two properties together to create one large property. The house on his property occupies bigger than the threshold. There is a deck next to the house. We connected that deck to the boatlift. The deck is on top of the boatlift. This was my fault originally. We found out afterward about the permits that were needed. We apologize for that. There was no excuse for it.

Gina Reuvers: The reason why we are here is to get the permits. We need to purchase the house. In order to get the financing, we need to have this all done.

Mr. Astorino: Ok.

Comment #3: Place a graphic scale on each scaled drawing.

Wayne Reuvers: Yes.

Comment #4: In the Overlay Protection Districts table, circle "yes" for Traditional Neighborhood Overlay District.

Gina Reuvers: Yes.

Comment #5: The neighboring property owner, Reuvers, is purchasing the house and intends to merge with adjacent vacant land. Provide proof of lot merger.

Wayne Reuvers: We have a signed contract for the Planning Board.

Mr. Astorino: We have a copy of that. Connie, do you have a copy of that?

Mr. Bollenbach: Was that the one dated February 20, 2009?

Connie Sardo: Yes.

Gina Reuvers: I also brought in a copy of the contract of sale that is between us. Do you want a copy of it?

Mr. Astorino: Yes. John, Connie will have a copy of this.

Mr. Bollenbach: Yes.

Gina Reuvers: I had already spoken to our attorney to make sure what I am doing is correct regarding the merger of both properties. He said he would help me. He said it was very easy to do.

Mr. Bollenbach: Who is your attorney?

Gina Reuvers: His name is Charles Toal. He is from Tuxedo.

Comment #6: FOR THE RECORD – A one-day dye test was conducted of the septic system and observed by the Town Engineer’s representative on 3/31/09. There was no indication of dye on the grounds or in the lake as a result of the test.

Mr. McConnell: I have a question. Is a one-day dye test the same?

Zen Wojcik: For an occupied house, yes.

Mr. McConnell: Ok. I didn’t recall you ever saying how many days testing.

Mr. Astorino: Some of them are three-day testing for an unoccupied house.

Zen Wojcik: For an unoccupied house, it is three-day testing. For an occupied house, it is one-day testing. This house is occupied.

Mr. McConnell: Is it? Who is occupying it?

Gina Reuvers: We are.

Wayne Reuvers: We are renting it.

Mr. McConnell: Ok.

Comment #7: Place a Lighting Note on the plans: “All outdoor lights shall be designed, located, installed, and directed in such manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property. The prohibitions and requirements listed in Section 164-43.4 of the Town Code shall apply to all proposed and existing outdoor lighting fixtures.”

Gina Reuvers: We marked that up on the previous drawing. Everything would be low voltage and down lighting.

Comment #8: Pay outstanding review fees.

Wayne Reuvers: Yes.

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

Zen Wojcik: The reason why this applicant is here in front of the Board, it was directed by the Building Department for a violation. Between the house and lake there is a large metal structure. It was built without the benefit of a permit. We don’t have any plans in the Building Department for it. We don’t have any idea what kind of foundation it has. I don’t know if there are any neighbors here tonight to say anything about it. Now, decking has been placed on top of that. There is nothing in the Building Department showing what was done. There were many things going on with this property that were discovered here before the Planning Board.

Mr. Astorino: Do we want an As-built of how it was constructed? We could add a comment to that effect.

Mr. Bollenbach: Zen, how would you like that comment to read?

Zen Wojcik: Provide an As-built sketch plan. It would be whatever they could provide.

Wayne Reuvers: In the plan, we show the foundation and the decking.

Mr. Astorino: We will put a comment to that effect.

Mr. Bollenbach: Comment #9 will require as-built for boatlift and decking to the Town Engineer's specifications.

Mr. Astorino: You could get in touch with Zen about that before the maps get signed.

Wayne Reuvers: Ok.

Mr. Astorino: Do any Board members or Professionals have any other comments? This is a public hearing. If there is anyone in the audience wishing to address the Warrick Fitzgerald application, please rise and state your name for the record. Let the record show no public comment.

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

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

Mr. Kowal makes a motion on the Warrick Fitzgerald application, granting Site Plan Approval for the construction and use of decking to Cover boat lift, replace existing deck material and install staircase from existing decking to backyard, located within "A *Designated Protection Area*" of Greenwood Lake, situated on tax parcel S 76 B 1 L 40; project located on the western side of West Cove Road (25 West Cove Road), in the SM zone, of the Town of Warwick County of Orange, State of New York. A Type 2 Action was adopted on April 15, 2009. Approval is granted subject to the following conditions:

1. Place a graphic scale on each scaled drawing.
2. In the Overlay Protection Districts table, circle "yes" for Traditional Neighborhood Overlay District.
3. The neighboring property owner, Reuvers, is purchasing the house and intends to merge with adjacent vacant land. Provide proof of lot merger.
4. Place a Lighting Note on the plans: "All outdoor lights shall be designed, located, installed, and directed in such manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property. The prohibitions and requirements listed in Section 164-43.4 of the Town Code shall apply to all proposed and existing outdoor lighting fixtures."
5. Provide As-Built for Boat Lift and Decking to Town Engineer's specifications.
6. Pay Outstanding Review Fees.

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

Mr. Showalter: I have a question for the applicants. You are definitely not Greenwood Lake natives. Where are you from?

Wayne Reuvers: We are from the South Africa area.

Mr. Showalter: Wow. You are from half way around the world. Welcome to Greenwood Lake.

Wayne Reuvers: Thank you.

Warrick Fitzgerald: Thank you.

Gina Reuvers: Thank you.

Review of Submitted Maps:***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.

Representing the applicant: Kirk Rother, Engineer.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
 - A. Board passed a Resolution for a SEQR Negative Declaration, granted preliminary approval and granted conditional final approval of the subdivision on February 20, 2008. Conditions of approval are:
 - 1) Place the following note on the Cluster Subdivision Plan: “As per Section 164-45.1F of the Town Code, lots in the AP-O district that were in existence on 1/1/2002 may be subdivided for one additional residential lot in accordance with 1989 zoning standards. Town Board resolution #R2007-303 authorized AP-O participation.”
 - 2) Provide plantings for additional screening of the Lot #5 driveway, to the Town Planner’s specifications.
 - 3) Provide swale sizing calculations for “Swale A”, “Swale B” and “Swale” (running from intersection with Brady Road to proposed wet pond). [The Drainage Basin Calculation Plan calculates the discharge but does not have any calculation for swale dimensions or any other means to check their sufficiency.]
 - 4) Show the limits of disturbance on the “Drainage Basin Calculations Plan” attached to the SWPPP report.
 - 5) Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes, Agricultural Protection Notes, Private Road Notes, Private Road and Drainage Facility Use and Maintenance Agreement Notes, Radon Reduction Notes and Open Space Note.
 - 6) Provide a dedication strip on Brady Road for the Town Board’s consideration.
 - 7) Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at corners of open space (per the Town Engineer’s specification).
 - 8) Propose an acceptable name for the road and provide 9-1-1 addressing.
 - 9) Pay parkland fees.
 - 10) Pay performance bond and construction inspection fees for private road, stormwater management, erosion control, and landscape plantings.
 - 11) Pay outstanding review fees.
2. Applicant to discuss project.

CLUSTER PLAN (LAST REVISED 10/23/08)

3. Applicant is proposing revising some lot lines shown on the conditionally approved plan. Revise and submit the Subdivision Plat for the new configuration, signed and sealed by a NYSPLS.
4. The summation of the proposed lot areas does not agree with the total acreage as shown on the Cover Sheet. A line in Lot #6 which, according to the Legend, is a “proposed property line” evidently is not. The Conservation Calculations do not agree with the parcel acreage. Revise the plans and calculations to accurately show the parent parcel, subdivided lots, and open space.
5. Revise the Open Space Note; remove the reference to Lot #5.
6. Revise the SWPPP Inspection Reporting Note; remove the first part of the note, up to the first comma.
7. Update the SWPPP report for compliance with NY SPDES General Permit #GP-0-08-001. Provide a final signed copy of the SWPPP and a copy of the submitted NOI.

The following comment submitted by the Conservation Board, dated 4/15/09:

Ludmerer/Masker Fruit Farm – CB has no comments.

The following comment submitted by the ARB:

Ludmerer/Masker Fruit Farm – None submitted.

Comment #1: Board to discuss SEQR.

- A. Board passed a Resolution for a SEQR Negative Declaration, granted preliminary approval and granted conditional final approval of the subdivision on February 20, 2008. Conditions of approval are:

Mr. Fink: Anytime you have a request like this for a modification to an approved plan, you always have to look back at the conditions of the approval. You look back at the reasons supporting the issuance of a Negative Declaration. You look to see if there has been any change that would lead to an adverse impact. But now as a result of a change, could it result in that adverse impact? Based upon my review of this, I don't think there would be any additional adverse impacts. In fact, the amount of open space has been increased from the previous approval. That would be a benefit.

Mr. Bollenbach: That would also be similar criteria for the Board to consider an additional public hearing if there was a change in circumstances through a greater intensity. In this case, I believe there was no greater intensity of the property. It would not warrant a public hearing.

Mr. Astorino: Are comments 1 through 11 the same comments from the prior final approval?

Mr. Bollenbach: Yes.

Mr. Astorino: We will list comments 1 through 11 for the record.

Mr. McConnell: I have a question. None of the house sites would be changing. Is that correct?

Kirk Rother: Correct. Roadways, driveways, home sites, wells and septic are all identical.

Mr. McConnell: They are all identical. All that is being done here is that we are changing one of the lot lines to include more open space moving it from one lot to a different lot.

Kirk Rother: That was the primary change. Looking at the map, on the prior application, we have this finger of open space. There was a line drawn here that was all part of lot 5. This little piece was part of lot 6. Victor and George might keep lot 6. They would like to keep all of the open space with lot 6.

Mr. McConnell: Ok. That was what I thought I recalled. I just wanted to understand what John was saying that there would be no greater intensity.

- 1) Place the following note on the Cluster Subdivision Plan: "As per Section 164-45.1F of the Town Code, lots in the AP-O district that were in existence on 1/1/2002 may be subdivided for one additional residential lot in accordance with 1989 zoning standards. Town Board resolution #R2007-303 authorized AP-O participation."
- 2) Provide plantings for additional screening of the Lot #5 driveway, to the Town Planner's specifications.
- 3) Provide swale sizing calculations for "Swale A", "Swale B" and "Swale" (running from intersection with Brady Road to proposed wet pond). [The Drainage Basin Calculation Plan calculates the discharge but does not have any calculation for swale dimensions or any other means to check their sufficiency.]
- 4) Show the limits of disturbance on the "Drainage Basin Calculations Plan" attached to the SWPPP report.
- 5) Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes, Agricultural Protection Notes, Private Road Notes, Private Road and Drainage Facility Use and Maintenance Agreement Notes, Radon Reduction Notes and Open Space Note.
- 6) Provide a dedication strip on Brady Road for the Town Board's consideration.
- 7) Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at corners of open space (per the Town Engineer's specification).
- 8) Propose an acceptable name for the road and provide 9-1-1 addressing.
- 9) Pay parkland fees.
- 10) Pay performance bond and construction inspection fees for private road, stormwater management, erosion control, and landscape plantings.
- 11) Pay outstanding review fees.

Comment #2: Applicant to discuss project.

Mr. Astorino: It was pretty much with what you had just said.

CLUSTER PLAN (LAST REVISED 10/23/08)

Comment #3: Applicant is proposing revising some lot lines shown on the conditionally approved plan. Revise and submit the Subdivision Plat for the new configuration, signed and sealed by a NYSPLS.

Kirk Rother: Will do.

Comment #4: The summation of the proposed lot areas does not agree with the total acreage as shown on the Cover Sheet. A line in Lot #6 which, according to the Legend, is a "proposed property line" evidently is not. The Conservation Calculations do not agree with the parcel acreage. Revise the plans and calculations to accurately show the parent parcel, subdivided lots, and open space.

Kirk Rother: Right. That property line is a drafting matter. We will correct that. As far as the additional acreage, what is missing is 12/10th of an acre. That is part of the Brady Road dedication. We will add that onto the plan. With the conservation calculations the percent conserved the 59% is correct. It would actually be the land to be developed figure that needs to be revised to this plan.

Mr. Astorino: Zen, are you ok with that?

Zen Wojcik: Once we get the right numbers, then I will be.

Mr. Astorino: Ok.

Comment #5: Revise the Open Space Note; remove the reference to Lot #5.

Kirk Rother: Ok.

Comment #6: Revise the SWPPP Inspection Reporting Note; remove the first part of the note, up to the first comma.

Kirk Rother: Will do.

Comment #7: Update the SWPPP report for compliance with NY SPDES General Permit #GP-0-08-001. Provide a final signed copy of the SWPPP and a copy of the submitted NOI.

Kirk Rother: Ok.

Mr. Bollenbach: In item #2, provide plantings for additional screening on lot 5 driveway to the Town Planner's specifications. Ted have you been out there? Kirk, could you provide something to Ted on what you propose?

Kirk Rother: Yes. We show plantings on here. We talked about that at the workshop that some of those would be more appropriate for the wetland. Is that what we said? I will also revise that.

Mr. Bollenbach: Get in touch with Ted on that. Comment #10 revise to pay performance bond and construction inspection fees for private road, stormwater management, erosion control, and 3-year landscape maintenance planting bond. We would need a motion to waive the additional public hearing.

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

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

Mr. McConnell makes a motion on the Ludmerer/Masker Fruit Farm application, granting "Amended" Final Approval for a proposed 6-Lot cluster subdivision entitled, "**Masker Fruit Farm, Inc.**", situated on tax parcels S 53 B 1 L 20 and L 35; parcels located on the eastern side of Brady Road, closest intersection with Cascade Road, in the MT/CO zones, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on February 20, 2008. Amended Approval is granted subject to the following conditions:

1. Board to discuss SEQR.
 - A. *Board passed a Resolution for a SEQR Negative Declaration, granted preliminary approval and granted conditional final approval of the subdivision on February 20, 2008. Conditions of approval are:*
 - 1) Place the following note on the Cluster Subdivision Plan: "As per Section 164-45.1F of the Town Code, lots in the AP-O district that were in existence on 1/1/2002 may be subdivided for one additional residential lot in accordance with 1989 zoning standards. Town Board resolution #R2007-303 authorized AP-O participation."
 - 2) Provide plantings for additional screening of the Lot #5 driveway, to the Town Planner's specifications.
 - 3) Provide swale sizing calculations for "Swale A", "Swale B" and "Swale" (running from intersection with Brady Road to proposed wet pond). [The Drainage Basin Calculation Plan calculates the discharge but does not have any calculation for swale dimensions or any other means to check their sufficiency.]
 - 4) Show the limits of disturbance on the "Drainage Basin Calculations Plan" attached to the SWPPP report.
 - 5) Provide the Declaration and the Recording Information on the plan for Ridgeline Overlay Notes, Agricultural Protection Notes, Private Road Notes, Private Road and Drainage Facility Use and Maintenance Agreement Notes, Radon Reduction Notes and Open Space Note.
 - 6) Provide a Dedication Strip on Brady Road for the Town Board's consideration.
 - 7) Certify Setting of Iron Pins. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at corners of open space (per the Town Engineer's specification).
 - 8) Propose an acceptable name for the road and provide 9-1-1 addressing.
 - 9) Pay Parkland Fees.

- 10) Pay Performance Bond and Construction Inspection Fees for Private Road, Stormwater Management, Erosion Control, and 3-Year Landscape Maintenance Planting Bond.
- 11) Pay Outstanding Review Fees.

CLUSTER PLAN (LAST REVISED 10/23/08)

2. Applicant is proposing revising some lot lines shown on the conditionally approved plan. Revise and submit the Subdivision Plat for the new configuration, signed and sealed by a NYSPLS.
3. The summation of the proposed lot areas does not agree with the total acreage as shown on the Cover Sheet. A line in Lot #6 which, according to the Legend, is a “proposed property line” evidently is not. The Conservation Calculations do not agree with the parcel acreage. Revise the plans and calculations to accurately show the parent parcel, subdivided lots, and open space.
4. Revise the Open Space Note; remove the reference to Lot #5.
5. Revise the SWPPP Inspection Reporting Note; remove the first part of the note, up to the first comma.
6. Update the SWPPP report for compliance with NY SPDES General Permit #GP-0-08-001. Provide a final signed copy of the SWPPP and a copy of the submitted NOI.

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

Kirk Rother: Thank you.

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 parcel S 51 B 1 L 36; parcel 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.

Representing the applicant: Kirk Rother, Engineer.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
 - A. Rt. 94 is a designated Scenic Road. Submit a Visual EAF Addendum and line-of-site profiles.
 - B. Supplement archaeological investigation, endangered species and traffic reports to reflect revised lot count and development location.
2. Applicant to discuss project.
3. Provide a report including results of soils testing for pesticides and other orchard chemical residue. Report should also include the method of sampling (include date, depth of sampling and location map), the method of testing (EPA test methodology), a discussion of results and a comparison with NYSDOH guidelines for typical residential "background" concentrations (presentation in a tabular format will be helpful). Include conclusions and recommendations based on the test results. Report should be ultimately included in Realty Subdivision application to OCHD.

YIELD PLAN: (DATED 4/25/2003, LAST REVISED 3/10/2009)

4. Remove the reference in the Ridgeline Overlay Notes to allowing building heights up to 35 feet.
5. Show the location of the 50-foot wide Marginal Access Road R.O.W. per the approved Site Plan for Pennings Farm Market. Setbacks for adjoining lots shall be measured from the Marginal Access Road
6. Conceptual Stormwater Management Areas are shown on the plan. Concepts should have a sense of feasibility; it is not clear where these areas would drain. Applicant to discuss drainage concept.

CLUSTER PLAN: (DATED 9-30-03, LAST REVISED 3/10/2009)

7. Applicant has revised the application, limiting the proposed subdivision to one tax parcel.
8. Board and applicant to discuss proposed Town roads.
9. Planning Board and Applicant to discuss fences along proposed lots bordering agricultural land and buffering from agricultural land. Provide a declaration and recording information for all lots bordering active agricultural lands (list lot numbers), that no clearing of trees or understory is permitted within 100 feet of active agricultural land except the minimum necessary for septic absorption fields and/or stormwater management facilities
10. Provide a detailed design of the proposed road and related structures consistent with §A168. Provide testing results and pavement design calculations for the proposed town road for Town Engineer's review and approval.
11. Provide a SWPPP.
12. Regarding Special Condition 100 (§164-46J(100)) – Affordable Housing:

- a. 100d – Provide renderings for minimum design and construction standards for Planning Board approval.
- b. 100g – Provide a marketing plan for the Town Board and Planning Board approval.
- c. Submit a Site Plan / Special Use Permit Application and fee for the affordable house.
13. Include the following in the Aquifer Protection Notes: “Based upon a determination by the Town of Warwick Building Department, an Aquifer Impact Assessment is not required.”
14. Place a Lighting Note on the plans: “All outdoor lights shall be designed, located, installed, and directed in such manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property. The prohibitions and requirements listed in Section 164-43.4 of the Town Code shall apply to all proposed and existing outdoor lighting fixtures.”

BEFORE FINAL APPROVAL:

15. Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes, Agricultural Protection Notes, Aquifer Protection Overlay Notes, Stormwater Management Ownership and Maintenance Agreement Notes, Open Space Notes, HOA, Drainage District, Affordable Housing Notes, and Archaeological Site Protection Notes (the latter four to the Planning Board Attorney’s specifications).
16. Petition the Town Board to establish a Drainage District for the maintenance of stormwater management facilities.
17. Provide an irrevocable offer for road dedication of proposed Town Roads for the Town Board’s approval.
18. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at corners of open space, in accordance with the plans.
19. Pay performance bond and construction inspection fee for town road, stormwater management facilities, and erosion control.
20. Pay a three-year landscape maintenance bond for street trees and stormwater management pond plantings.
21. Pay parkland fees.
22. Pay outstanding review fees.

The following comment submitted by the Conservation Board, dated 4/15/09:

Pennings / Orchard Valley – CB has no comments.

The following comment submitted by the ARB:

Pennings/Orchard Valley – None submitted.

Comment #1: Board to discuss SEQR.

Mr. Fink: The Planning Board has declared Lead Agency on this application quite some time ago. Because we now have a changed plan, the applicant has submitted to us a revised Full EAF. We have been using the EAF in the expanded fashion to review the potential impacts of the project. There are a number of review comments that relate to SEQR that need to be updated as part of the SEQR review of this project.

- A. Rt. 94 is a designated Scenic Road. Submit a Visual EAF Addendum and line-of-site profiles.

Kirk Rother: Ok.

- B. Supplement archaeological investigation, endangered species and traffic reports to reflect revised lot count and development location.

Kirk Rother: I looked through the file. The endangered species study is a one-page letter from Bob Torgeson. It was specific to the Bog turtle. The archeological investigation doesn't really doesn't get into the site so much. It describes the overall character and the findings of their shovel tests. There is a map associated with that. It depicts all of the shovel test locations. Because we are reducing the subdivision and staying within the same footprint of the original application, would it be necessary to have those studies revised to reflect a lesser impact? Could we use the original studies that were done?

Mr. Bollenbach: I think it needs explanation for less impact, then that would be fine. What you are currently showing now are two cul-de-sacs, that would be avoiding that area of potential archeological significance.

Kirk Rother: Correct.

Mr. Bollenbach: The Town is not in favor of cul-de-sacs for Town roads. Would you consider a Private road or an alternate layout? Ted, I believe that would be the context.

Mr. Fink: Yes. That would be for the archeology.

Mr. Astorino: Would there be a way to connect those cul-de-sacs?

Kirk Rother: There might be a way to connect the two cul-de-sacs. Or, we could consider keeping the lower cul-de-sac as a Private road.

Mr. Bollenbach: These archeological studies could be quite extensive and expensive. Whatever would be more financially feasible would be good. You would need to come up with some type of a solution.

Kirk Rother: All right.

Mr. McConnell: John, would it be acceptable if the person or firm that issues that to give you some sort of a standard letter?

Mr. Astorino: First, they should see where they could connect these cul-de-sacs.

Mr. Bollenbach: If they were going to connect the cul-de-sacs through the area that would be noted as archeological significant, that would be the precise issue. The applicant would have to explore that more.

Kirk Rother: Ultimately, on that particular item, we have to satisfy SHPO. We attempted that once already by eliminating a lot in the area that is hatched there. They came back and said no. That would not be good enough. They wanted a little bit more. Now, we eliminated the road connecting the two.

Mr. McConnell: And, it created another problem.

Kirk Rother: It created another cul-de-sac.

Mr. Bollenbach: A Private road might be considered

Kirk Rother: On the same topic, there was the issue of the traffic study. The traffic study was done based on 41 lots. Our entry point would be the same. There would be a lesser impact because we would have less lots.

Zen Wojcik: The reason I said supplement was because I thought it would be less work. When it comes to the archeological and the endangered species, there could be a part that said a study was done for a larger development, which would not be considered. It could reference the archeological specifically on what would be avoided. It might be satisfactory. As Kirk had said, he has to satisfy SHPO. The traffic report was done for a much larger development, which is now not being proposed. That one would have had two means of entrance. One entrance would be on one road and the other entrance would be on another road. I think the traffic report would be quite more an extensive supplement than merely a letter stating now it would be smaller. It depends upon what would be there. They did spend a lot of money doing these very good reports. That is not lost. All it would be is a supplement because of the change in the scope of the development. It might not be quite as simple for one as it would be for another.

Mr. Astorino: Ok. The bottom line would be that you would want to supplement because you would be flowing the traffic to one point.

Kirk Rother: The traffic report has to do with identifying the intersections. This Board has done that. Then, we analyze levels of service. We have to see if our proposal adversely impacts those levels of service. With us having less traffic, the impacts would be less.

Mr. Bollenbach: You could supplement a letter.

Zen Wojcik: Keep in mind that this Town has been trying to warrant a traffic signal at the intersection of Warwick Turnpike and Route 94 for many years. This would certainly generate traffic that would go to that intersection.

Mr. Astorino: We would want to find that out. I don't think it would be a major issue. You will need to check that out.

Kirk Rother: Ok.

Comment #2: Applicant to discuss project.

Kirk Rother: The Board is familiar with it. It started out as 41 lots including 3 affordable homes on three parcels of land owned by the Pennings. There was approximately 160 acres. We now reduced it to entirely being situated on one parcel owned by the Pennings family on approximately 66 acres. We reduced the lot count from 41 lots to 19 lots.

Comment #3: Provide a report including results of soils testing for pesticides and other orchard chemical residue. Report should also include the method of sampling (include date, depth of sampling and location map), the method of testing (EPA test methodology), a discussion of results and a comparison with NYSDOH guidelines for typical residential “background” concentrations (presentation in a tabular format will be helpful). Include conclusions and recommendations based on the test results. Report should be ultimately included in Realty Subdivision application to OCHD.

Kirk Rother: Ok.

Mr. Bollenbach: Kirk, is any portion of the development proposed within any orchard area?

Kirk Rother: Not anymore. We have already done this. The chemical testing was done.

Mr. Astorino: It was done. It really will not amount to anything because all of the testing was done.

Kirk Rother: It was done all over the place. We had some background data.

Mr. Astorino: Even where you are building now, it does have some test sites.

Kirk Rother: In the general vicinity.

Mr. Astorino: Ok.

Kirk Rother: But the area that this would be situated in was used for corn and a small area was used for peaches.

Mr. Astorino: Ok.

YIELD PLAN: (DATED 4/25/2003, LAST REVISED 3/10/2009)

Comment #4: Remove the reference in the Ridgeline Overlay Notes to allowing building heights up to 35 feet.

Kirk Rother: Ok.

Comment #5: Show the location of the 50-foot wide Marginal Access Road R.O.W. per the approved Site Plan for Pennings Farm Market. Setbacks for adjoining lots shall be measured from the Marginal Access Road.

Kirk Rother: Ok.

Comment #6: Conceptual Stormwater Management Areas are shown on the plan. Concepts should have a sense of feasibility; it is not clear where these areas would drain. Applicant to discuss drainage concept.

Kirk Rother: Right. We will clarify that.

CLUSTER PLAN: (DATED 9-30-03, LAST REVISED 3/10/2009)

Comment #7: Applicant has revised the application, limiting the proposed subdivision to one tax parcel.

Kirk Rother: Yes.

Comment #8: Board and applicant to discuss proposed Town roads.

Mr. Astorino: That would be regarding the cul-de-sacs. You would need to look into that. Maybe you should privatize the one so it would be one cul-de-sac.

Kirk Rother: Yes. We will look at that.

Comment #9: Planning Board and Applicant to discuss fences along proposed lots bordering agricultural land and buffering from agricultural land. Provide a declaration and recording information for all lots bordering active agricultural lands (list lot numbers), that no clearing of trees or understory is permitted within 100 feet of active agricultural land except the minimum necessary for septic absorption fields and/or stormwater management facilities.

Kirk Rother: Right. As far as the fence, I know we had spoken about it. I don't remember the outcome.

Zen Wojcik: This was a comment from a previous submittal. This Board had reviewed it. I agree with Kirk. There was a discussion about it. It never came to a conclusion.

Mr. Bollenbach: Find out what the Pennings would like to have. Would they like to have a fence to maintain some type of separation? Would the farm maintain the fence? Look into that. If you are going to have a Private road, you would be having some type of a maintenance agreement anyhow. Maybe, if it is in proximity there, those homeowners could share the maintenance of the fence. That would be another option.

Kirk Rother: We will get an answer.

Comment #10: Provide a detailed design of the proposed road and related structures consistent with §A168. Provide testing results and pavement design calculations for the proposed town road for Town Engineer's review and approval.

Kirk Rother: Ok. Would that be before preliminary approval or final approval?

Mr. Bollenbach: That would be done before final approval.

Comment #11: Provide a SWPPP.

Kirk Rother: Yes.

Comment #12: Regarding Special Condition 100 (§164-46J(100)) – Affordable Housing:

- a. 100d – Provide renderings for minimum design and construction standards for Planning Board approval.

Kirk Rother: Would that be done before final approval?

Mr. Bollenbach: Yes.

- b. 100g – Provide a marketing plan for the Town Board and Planning Board approval.

Kirk Rother: That would be the same answer as a.

Mr. Bollenbach: The Board would review it. It could be a condition of the approval.

Mr. Astorino: We would like to see it before we act on it.

Mr. Bollenbach: Yes. Let us see how it works before final approval.

Kirk Rother: But, it would not be done before preliminary approval.

Mr. Bollenbach: No.

- c. Submit a Site Plan / Special Use Permit Application and fee for the affordable house.

Kirk Rother: Do you want that now?

Mr. Bollenbach: Yes.

Kirk Rother: Will do.

Comment #13: Include the following in the Aquifer Protection Notes: “Based upon a determination by the Town of Warwick Building Department, an Aquifer Impact Assessment is not required.”

Kirk Rother: Ok.

Comment #14: Place a Lighting Note on the plans: “All outdoor lights shall be designed, located, installed, and directed in such manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property. The prohibitions and requirements listed in Section 164-43.4 of the Town Code shall apply to all proposed and existing outdoor lighting fixtures.”

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

Mr. Astorino: Ok. We will list comments 15 through 22 for the record. Do any Board members or Professionals have any comments? You will be back.

BEFORE FINAL APPROVAL:

Comment #15: Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes, Agricultural Protection Notes, Aquifer Protection Overlay Notes, Stormwater Management Ownership and Maintenance Agreement Notes, Open Space Notes, HOA, Drainage District, Affordable Housing Notes, and Archaeological Site Protection Notes (the latter four to the Planning Board Attorney's specifications).

Comment #16: Petition the Town Board to establish a Drainage District for the maintenance of stormwater management facilities.

Comment #17: Provide an irrevocable offer for road dedication of proposed Town Roads for the Town Board's approval.

Comment #18: Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at corners of open space, in accordance with the plans.

Comment #19: Pay performance bond and construction inspection fee for town road, stormwater management facilities, and erosion control.

Comment #20: Pay a three-year landscape maintenance bond for street trees and stormwater management pond plantings.

Comment #21: Pay parkland fees.

Comment #22: Pay outstanding review fees.

Kirk Rother: We will be back. Thank you.

Calvary Baptist Church

Application for Site Plan Approval and Special Use Permit for the construction and use of a gymnasium addition to the existing church, classrooms and a new internally lit sign, situated on tax parcel S 46 B 1 L 29; project located on the eastern side of Wisner Road 460 feet south of Kings Highway, in the OI zone, of the Town of Warwick.

Representing the Applicant; Mike Morgante, Engineer. Pastor Craig Adams, Applicant. Harry Malloy, Building Chairman.

Mr. Astorino: You are going to have to lose the new internally lit sign.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. Revise the application form correcting the SBL and resubmit.
4. The proposed gymnasium is situated within an existing O&R easement. Plans show that the easement will be relocated. Applicant to discuss.
5. Place an Overlay District table on the first sheet of plans.
6. Coordinate with the Warwick Fire District and show the location of a fire lane. Provide copies of any correspondence.
7. Applicant proposes to drill a new well and abandon the existing. Applicant is directed to the Orange County Department of Health to determine if the proposed well meets the standards for public water supply wellhead protection for an NTNC water supply. Note that the abandoned well shall be sealed per County Health standards.
8. On the Erosion & Sediment Control Plan, remove the Stormwater Notes and update the reference at the Siltation Fence detail to the latest revision of the *NYS Standards and Specifications for Erosion and Sediment Control* (NYSDEC).
9. On the south side of the proposed gym, show a temporary construction access road and a stabilized construction access leading to the existing parking area. Revise the first part of the BMP note for parking and roadway pavements to require sweeping of pavement at least once a week during construction.
10. Board to discuss proposed hours of construction (8:30 am to 5:30 pm, M-F).
11. Proposed and existing outdoor lighting is inconsistent with the Town's Lighting ordinance (§164-43.4). All high-pressure sodium (HPS) fixtures must be shielded so that "no light is emitted above a horizontal plane running through the lowest part of the fixture." Unshielded wallpack-type fixtures are prohibited. Floodlights are discouraged, but must be fully shielded in any event. Revise the Lighting Plan. Board and applicant to discuss light trespass onto SBL 46-1-2.1.

12. The Rain Garden Section refers to a plant list on sheet 2. Revise.
13. The applicant proposes an internally lit sign. Board and applicant to discuss.
14. Show the proposed location of the sign and clarify if one or two faces will be visible (usable). Provide a detail.

The following comment submitted by the Conservation Board, dated 4/15/09:

Calvary Baptist Church - CB is concerned about minimizing light pollution and requests that the outdoor lighting be carefully reviewed by the Town Engineer.

The following comment submitted by the ARB:

Calvary Baptist Church – None submitted.

Comment #1: Board to discuss SEQR.

Mr. Fink: The applicant has provided a short EAF. It is an Unlisted Action. The Planning Board could go ahead and declare Lead Agency.

Mr. Kowal makes a motion for Lead Agency.

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

617.6

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

Name of Action: Calvary Baptist Church Gymnasium

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan/Special Use Permit application by Calvary Baptist Church for a ± 11.55 acre parcel of land located at Wisner Road and Kings Highway, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 4/28/08 was submitted at the time of application, and

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

Whereas, the Planning Board has determined that the proposed project is within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) apply meaning that an Agricultural Data Statement must be filed, forwarded to the owners of farm operations within 500 feet of the site and then considered by the Planning Board, and

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

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

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

Comment #2: Applicant to discuss project.

Mike Morgante: We propose to construct a gymnasium. It would be located behind the existing church structure to the south of it. The main structure would be approximately 80'x70'. There would be another storage area in the front at about 70'x30'. There is ample existing parking to meet the proposed use for this gym. There would be no other facilities associated with it. There would be no need for a septic system. We will be relocating the well due to the location of the proposed building.

Mr. Astorino: Would you be abandoning that well?

Mike Morgante: We will be abandoning the existing well. We will be drilling a new well.

Mr. Astorino: Ok. Would there be any classrooms?

Mike Morgante: No. Not at this time. I will let Pastor Craig Adams talk more about that. It was my understanding that they are holding onto the enrollment that they have right now barely. They are not growing any. There would be no need for any additional classroom facilities right now.

Connie Sardo: On the application you submitted, it says proposed classrooms. If that is not true anymore, I will need a revised application.

Mike Morgante: We will amend that.

Mr. Bollenbach: Revise the application. You could strike it out on the application and initial it.

Comment #3: Revise the application form correcting the SBL and resubmit.

Mike Morgante: Ok.

Comment #4: The proposed gymnasium is situated within an existing O&R easement. Plans show that the easement will be relocated. Applicant to discuss.

Mike Morgante: We have been in contact with Maureen McDonald of Orange & Rockland. We received some correspondences from her recently. It stated that they agree to the relocation easement. We have those forms. We had it notarized.

Pastor Craig Adams: I had it notarized this evening. They will go out in the mail tomorrow.

Mike Morgante: The Town would have to do their part with regard to the relocation of the easement. There would be some notification to provide to the Town.

Mr. Bollenbach: Whatever documents you are forwarding, make a copy of those documents for us.

Mike Morgante: Ok.

Comment #5: Place an Overlay District table on the first sheet of plans.

Mike Morgante: No problem.

Comment #6: Coordinate with the Warwick Fire District and show the location of a fire lane. Provide copies of any correspondence.

Mike Morgante: No problem.

Mr. Astorino: We received a response letter from the Warwick Fire Department, dated 4/15/09.

Mike Morgante: Yes. We received that letter. There would be no problem. We could put a fire lane behind the building.

Mr. Astorino: I was glad to see that the Warwick Fire Department had sent us a letter.

Comment #7: Applicant proposes to drill a new well and abandon the existing. Applicant is directed to the Orange County Department of Health to determine if the proposed well meets the standards for public water supply wellhead protection for an NTNC water supply. Note that the abandoned well shall be sealed per County Health standards.

Mike Morgante: Fine. We had a discussion about that at the workshop. I will let the Pastor discuss how they currently use the existing well right now.

Pastor Craig Adams: The existing well is only used for watering plants, flushing toilets, and cleaning. We don't drink any of that water. Having the school there, we had to have it tested every month. It was costing us approximately \$1,500.00 a year for the testing of the well. Using bottled water, it was only costing us approximately \$ 900.00 per year. By using bottled water, we would not have to do any testing. We use bottled water. Every year, we are inspected. They remind us about not drinking the well water. We have to post signs that state do not drink from the faucets. That has been the way we have been working that.

Mr. Astorino: The existing well will be abandoned.

Pastor Craig Adams: The building is going to end up where the existing well is. We are going to drill another well 10 feet away so that it would not be underneath the building.

Mr. Bollenbach: Ok.

Mr. Astorino: They would still have to comply with the standards that they have right now.

Mr. Bollenbach: Ok.

Comment #8: On the Erosion & Sediment Control Plan, remove the Stormwater Notes and update the reference at the Siltation Fence detail to the latest revision of the *NYS Standards and Specifications for Erosion and Sediment Control* (NYSDEC).

Mike Morgante: No problem.

Comment #9: On the south side of the proposed gym, show a temporary construction access road and a stabilized construction access leading to the existing parking area. Revise the first part of the BMP note for parking and roadway pavements to require sweeping of pavement at least once a week during construction.

Mike Morgante: Ok.

Comment #10: Board to discuss proposed hours of construction (8:30 am to 5:30 pm, M-F).

Mike Morgante: That is what we have shown on the plans right now. We would like to change that to whatever the Town Code allows. I believe that would be from 7:00 a.m. to 7:00 p.m. Monday through Saturday except for Sundays and legal holidays.

Mr. Astorino: Ok. You want to put that to the Town's specs.

Mike Morgante: Yes.

Mr. Bollenbach: Put the hours of operation on the map.

Mike Morgante: Ok.

Comment #11: Proposed and existing outdoor lighting is inconsistent with the Town's Lighting ordinance (§164-43.4). All high-pressure sodium (HPS) fixtures must be shielded so that "no light is emitted above a horizontal plane running through the lowest part of the fixture." Unshielded wallpack-type fixtures are prohibited. Floodlights are discouraged, but must be fully shielded in any event. Revise the Lighting Plan. Board and applicant to discuss light trespass onto SBL 46-1-2.1.

Mr. Astorino: Zen, is that the way the lights are now unshielded?

Zen Wojcik: It is the way the lights are shown on his design plan.

Mr. Astorino: So, that would change regardless.

Zen Wojcik: We talked about this at the workshop. When he laid out the design, he did not take into account that there are trees there. Those trees would somehow shield the lighting.

Mike Morgante: After we left that workshop, we went to the site and took some pictures as you had suggested. I have photographs to show you. In the photos, you could see the intersection of Calvary Baptist Church fence and the neighboring property's fence. The light trespass ends right where the trees are. It was an oversight when we were preparing the drawings.

Zen Wojcik: Mr. Morgante has already sent me some information about the different light fixtures that they are considering. They would be shielded. They are working in the right direction.

Mr. Astorino: That would be fine.

Mr. Bollenbach: That also addresses the Conservation Board's comment, dated 4/15/09.

Comment #12: The Rain Garden Section refers to a plant list on sheet 2. Revise.

Mike Morgante: Yes. We will change the note.

Comment #13: The applicant proposes an internally lit sign. Board and applicant to discuss.

Mr. Astorino: You can't have that. We have discussed that.

Mike Morgante: Ok.

Mr. Astorino: Regarding the design, you would have to do what the Town Code calls for.

Pastor Craig Adams: Ok.

Comment #14: Show the proposed location of the sign and clarify if one or two faces will be visible (usable). Provide a detail.

Mike Morgante: Ok. That would be fine. Where the existing sign is located, that would be where the new sign would go. I believe there will be two faces to it. I believe we are allowed 20 s.f. per face. We will comply to that.

Mr. Bollenbach: Down lighting is permitted. You cannot have any up-lighting. Take a look at the criteria for signs.

Mike Morgante: Ok.

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

Connie Sardo: Mr. Chairman, we need to add one more comment.

Mr. Astorino: Yes. We will add a comment #15, pay outstanding review fees. Could we set this application for a public hearing?

Mr. Bollenbach: I think so.

Mr. Astorino: I don't think there would be much outstanding.

Mike Morgante: Is a public hearing required for this application?

Mr. Bollenbach: Yes.

Mike Morgante: Ok.

Mr. Singer makes a motion to set the Calvary Baptist Church for a Public Hearing at the next available agenda.

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

Mike Morgante: Thank you.

Pastor Craig Adams: Thank you.

Connie Sardo: In order to be on for a public hearing, you will need to send 15 sets of revised plans or a letter stating when you want to be placed on an agenda for a public hearing.

Mike Morgante: Ok. I have already have the changes done. I will send the revised plans to you.

Connie Sardo: Ok.

Mike Morgante: Thank you.

Saint 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 storage shed, 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. Previously discussed at the 3/18/09 Planning Board meeting.

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

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
 - A. Board to discuss Lead Agency.
2. Applicant to discuss project.
3. Applicant to discuss landscaping.
4. Applicant and Board to discuss sign.
5. Revise the stone size – note 1 of the Gravel Construction Blanket Detail – to 1-4 inch stone, per the *NYS Standards*.
6. Provide the declaration and the recording information on the plan for Agricultural Notes and Aquifer Protection Overlay Notes.
7. Provide a copy of the submitted NOI.
8. Pay outstanding review fees.

The following comment submitted by the Conservation Board, dated 4/15/09:

Saint Stephens Parish Ball Fields – CB has no comments.

The following comment submitted by the ARB:

Saint Stephens Parish Ball Fields – None submitted.

Comment #1: Board to discuss SEQR.

Mr. Fink: The applicant has provided a Full EAF to the Planning Board. This application is a Type 1 Action. The reason that it is a Type 1 Action is because it is a non-residential use. This project involves physical alteration of about 4.5 acres. The threshold for a Type 1 Action is 2.5 acres of physical alterations. This would be put into that category. There is an involved agency. The involved agency would be the Village of Warwick Trustees. All we could do tonight is declare the Intent to be Lead Agency. We would send a letter attached to the Village of Warwick Trustees asking them to consent to the Planning Board serving as Lead Agency. After that, we could do SEQR on this application the next time around.

Mr. McConnell: Why are they involved? Was it because of the water line?

Mr. Fink: Yes. It was because of the water line.

Mr. Astorino: Have we heard anything from them about the water?

Dave Getz: Following the work session last week, I went to the Village Board meeting. They actually passed their resolution approving the water line connection. They have received a letter from the School District who was also involved. I mentioned to the Village Board that the Town of Warwick Planning Board would be looking for consent to be Lead Agency. The Village Board indicated to me that they would have no objections to that. They could not respond in writing until they received something from the Town in writing.

Mr. Astorino: That would only be for the drinking water. Is that correct?

Dave Getz: Correct.

Mr. Astorino: There would be no watering of fields or irrigation.

Dave Getz: Correct. That was also included in the School District's letter.

A. Board to discuss Lead Agency.

Mr. Fink: The Planning Board could go ahead and declare the Intent to be Lead Agency.

Mr. McConnell makes a motion for the Intent to be Lead Agency.

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

617.6
State Environmental Quality Review (SEQR)
Resolution Establishing Intent to be Lead Agency
Type 1 Action

Name of Action: Parish Ball Fields

Whereas, the Town of Warwick Planning Board is in receipt of a Site Plan/Special Use Permit application by St. Stephens Roman Catholic Church for a \pm 5.1 acre parcel of land located at St. Stephens Lane and West Street Extension, Town of Warwick, Orange County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated 3/24/09 was submitted at the time of application; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is a Type 1 action because the project involves the physical alteration of 4.5 acres of land for non-residential purposes within a New York State Agricultural District; and

Whereas, the Planning Board has determined that the proposed project is within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) apply meaning that an Agricultural Data Statement must be filed, forwarded to the owners of farm operations within 500 feet of the site and then considered by the Planning Board; and

Whereas, after examining the EAF, the Planning Board has determined that there are other involved and/or federal agencies on this matter including the Village of Warwick Board of Trustees.

Now Therefore Be It Resolved, that the Planning Board hereby declares its intent to be Lead Agency for the review of this action; and

Be It Further Resolved, that the Planning Board hereby authorizes its Chairman to circulate the attached lead agency coordination request letter(s) to all other involved agencies and to discharge any other SEQR responsibilities as are required by 6 NYCRR 617 in this regard; and

Be It Further Resolved, that unless an objection to the Planning Board assuming lead agency status is received within thirty (30) days of the date of mailing the EAF, the Planning Board will become lead agency for the review of this action.

Comment #2: Applicant to discuss project.

Dave Getz: No change since the last meeting.

Comment #3: Applicant to discuss landscaping.

Dave Getz: We have revised the landscaping since our last appearance. We added more screening by Dr. Scharffenberger's property. We also would be screening the end of the parking area where headlights could potentially shine out towards West Street Extension.

Mr. Astorino: Ted, do you have anything further?

Mr. Fink: Not at this time.

Comment #4: Applicant and Board to discuss sign.

Dave Getz: There is an existing sign over by County Route 1A. We proposed to shave it down to the conforming size and shift its location over by the corner of St. Stephens Lane. We have a detail on the plans.

Mr. Astorino: As long as it would meet the requirements.

Comment #5: Revise the stone size – note 1 of the Gravel Construction Blanket Detail – to 1-4 inch stone, per the *NYS Standards*.

Dave Getz: Will do.

Comment #6: Provide the declaration and the recording information on the plan for Agricultural Notes and Aquifer Protection Overlay Notes.

Dave Getz: Ok.

Comment #7: Provide a copy of the submitted NOI.

Dave Getz: Ok.

Comment #8: Pay outstanding review fees.

Dave Getz: Ok.

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

Mr. McConnell: Yes. I have a question regarding the parking. This might have been discussed at the work session that I wasn't at. As I recall when this project was presented to us in this context, there was representation by the church that this parking lot would only be used for games. Is that still the suggestion?

Dave Getz: Yes. One change that we made near that parking area was to remove the idea of a concession stand. Now, it will be just a storage shed.

Mr. McConnell: Ok. Going passed here as I do regularly, across St. Stephens Lane there is significant parking. I am concerned that this parking is going to somehow bleed over to other purposes eventually. I would like the applicant to address that. You are talking about 43 spaces here.

Mr. Astorino: Dennis, it is a church.

Mr. McConnell: I am trying to figure out why an applicant would propose, plan, and pay for 43 spaces that they say they would use so irregularly.

Mr. Astorino: If you want to put a note on the plan, stating what it would be used for, that would be fine.

Mr. Bollenbach: It would be just a gravel area. It is existing. Don't you have gravel material in there already?

Mr. McConnell: It is agricultural.

Mr. Bollenbach: But, it is a gravelly soil.

Dave Getz: We will be bringing in more gravel.

Mr. Astorino: Maybe, you might want to put up a rope or something.

Dave Getz: There is a detail that shows a chain that would go across.

Mr. Astorino: That was what I was saying. It could be roped or chained off when it is not being used.

Dave Getz: It is shown on sheet 2. That could be a condition of the approval.

Mr. Astorino: We could put a note on there to that effect.

Mr. McConnell: I do see it now on the plan. I do apologize for not turning the page to see that.

Mr. Astorino: Ok.

Mr. McConnell: But, it was also not one of the comments here. I know that it was discussed when it was first presented.

Dave Getz: We originally had shown a gate.

Mr. Astorino: I don't think you would want to put a gate up.

Mr. Singer: Did you say that you would be putting about 12" of gravel there?

Dave Getz: Yes.

Mr. Astorino: There will be a substantial amount of gravel.

Mr. McConnell: Yes. I just wondered why. Why not leave it alone?

Dave Getz: Part of the reason was that we needed to provide for water quality treatment. Using the gravel bed at that parking area was a way we could do it. The site is so flat. It limits some of the things you could do.

Mr. McConnell: Ok.

Dave Getz: You wouldn't be able to put in a filter or a bio-retention because we don't have the elevation drop.

Mr. McConnell: But you sort of negate that by parking cars on it.

Zen Wojcik: We had this discussion the last time out. The time of the year when this would be used would be when the cars are there.

Mr. McConnell: That is what I am getting at. I am not convinced with the time of the year that it would be used.

Mr. Astorino: If it is not plowed in the winter, nobody would be parking there.

Zen Wojcik: If you drive by there in November and they are not having a game, there might be a couple cars parked there. No one would say that they can't.

Mr. McConnell: Except, they would be putting a chain across that says no trespassing.

Zen Wojcik: Right.

Mr. Astorino: We pretty much narrowed it down to that. Let us keep moving on this one. Do any Board members have any further comments?

Dave Getz: Would you advise us when the Village responds?

Connie Sardo: It will be within 30 days. Are you going to be re-submitting again?

Dave Getz: I don't think we would be resubmitting new plans. If we could get them to respond before the 30 days, that would be good.

Connie Sardo: Send me a letter stating that you would like to be on the 2nd meeting in May.

Mr. Bollenbach: Set it for a public hearing.

Connie Sardo: They have already been set for a public hearing.

Mr. Bollenbach: Ok.

Connie Sardo: They were supposed to be on for a public hearing at this meeting. Just send me a letter any time you want. I will then put this application on for the 2nd meeting in May. State in that letter that you want to be on for a public hearing for the 2nd meeting in May.

Dave Getz: Ok. Thank you.

Other Considerations:

1. **BCM Development** – Letter from Tony Ciallella from BCM Development Company, dated 3/24/09 addressed to the Planning Board – in regards to BCM Subdivision requesting a 6-Month Extension on “Re-Approval” of Final Approval of a proposed 40-Lot Subdivision + 1-Lot for the well + 1-Lot of open space, SBL # 44-1-133, located on the northerly side of Route 17A at the intersections of Ketchum Road and Pumpkin Hill Road. Final Approval was granted on, 11/21/07. “Re-Approval” of Final Approval was granted on, 11/5/08 became effective on, 11/21/08. *Applicant requesting the extension on the BCM subdivision due to the hard economic trying times.* The 6-Month Extension on Re-Approval of Final Approval becomes effective on, 5/21/09.

Mr. McConnell: Has there been any more discussions about changing the scope of it?

Mr. Astorino: I haven’t heard anything about it.

Mr. Bollenbach: No. I haven’t heard anything.

Mr. McConnell makes a motion on the BCM Development application, granting a 6-Month Extension on “Re-Approval” of Final Approval of a proposed 40-Lot Subdivision + 1-Lot for the well + 1-Lot of open space, SBL # 44-1-133, located on the northerly side of Route 17A at the intersections of Ketchum Road and Pumpkin Hill Road. Final Approval was granted on, 11/21/07. “Re-Approval” of Final Approval was granted on, 11/5/08, became effective on, 11/21/08. The 6-Month Extension on Re-Approval of Final Approval becomes effective on, 5/21/09.

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

2. **Church Communities NY, Inc.** – Letter from James Loeb, Attorney, dated 4/1/09 addressed to the Planning Board – in regards to Church Communities NY requesting a 6-Month Extension on Final approval of a proposed lot line change, SBL # 47-1-9.21 & 47-1-2, parcels located on the eastern side of Bellvale Lakes Road 3200 feet south of Gibson Hill Road. Final Approval was granted on, 9/17/08. *The Planning Board required that a Declaration of Aquifer, Agricultural and Ridgeline Protection be recorded in the O.C. Clerk’s office and that the recording information be placed on the map prior to the Chairman signing the map. The required documents were recorded in the Clerk’s office on 3/19/09 and the final maps for final review were dropped off to the Planning office on 4/8/09.* The 6-Month Extension on Final Approval becomes effective on, 3/17/09.

Mr. McConnell makes a motion on the Church Communities NY, Inc., application granting a 6-Month Extension on Final Approval of a proposed lot line change, SBL # 47-1-9.21 & 47-1-2, parcels located on the eastern side of Bellvale Lakes Road 3200 feet south of Gibson Hill Road. Final Approval was granted on, 9/17/08. The 6-Month Extension becomes effective on, 3/17/09.

Seconded by Mr. Singer.

Mr. Bollenbach: We received a letter from James Loeb, the applicant's attorney. Yes, the information has been recorded. It is in the process of being provided. It should be here shortly.

Motion carried; 5-Ayes.

3. **Jordan Subdivision** – Letter from Karen Emmerich from Lehman & Getz Engineering, dated 4/6/09 addressed to the Planning Board – in regards to Jordan Subdivision requesting “**Re-Approval**” of Final Approval for a proposed 3-Lot cluster subdivision, situated on tax parcel S 55 B 1 L 27.2, parcel located on the southern side of Bellvale Lakes Road at the intersection with Lower Wisner Road, in the RU zone. Final Approval was granted on, 4/16/08. The 2nd 90-day Extension was granted on 1/21/09 became effective on, 1/16/09. “Re-Approval” of Final Approval becomes effective on, 4/16/09, subject to the conditions of Final Approval granted on, 4/16/08.

Mr. Bollenbach: Regarding the Jordan application, I recommend that this application be tabled pending stipulation compliance. There were stipulations that were entered into.

Mr. Astorino: Wasn't there something in the final approval that there was a certain number of days to do stuff?

Mr. Bollenbach: Yes. There was supposed to be the removal of a building and limiting occupancy to one-dwelling. That is being investigated right now. I have been in touch with their attorney. I suggest that this Re-Approval be tabled until this has been resolved.

Mr. Astorino: So, we don't give them the Re-Approval.

Mr. Bollenbach: No. We don't.

Mr. Astorino: Ok. Is that the Board's feeling? That is what we will do.

Mr. McConnell: What happened with this? It was withdrawn. Then, the withdrawal was withdrawn.

Mr. Bollenbach: It was withdrawn. Then, they came in the other day requesting Re-Approval.

Mr. Astorino: John, what happens with this if we don't give the Re-Approval of final approval?

Mr. Singer: Would it expire?

Mr. Bollenbach: It will expire unless the Board re-approves it.

Mr. Singer: When does it expire?

Mr. Bollenbach: It expires tomorrow.

Mr. Astorino: It will expire on April 16, 2009.

Mr. Bollenbach: It will expire unless the Board re-approves it at such time they obtain compliance with the stipulation. You could do it retro-active.

Mr. Astorino: So, they wouldn't have to come back and re-do the entire process over again.

Mr. Bollenbach: Not necessarily. Unless, there were changes in circumstances.

Mr. Singer: If they can't build, they can't do anything until the violation has been removed, why not continue the existing approval subject to complying with the conditions?

Mr. Bollenbach: Because the applicant has failed to comply with the stipulations that were court imposed. I don't recommend granting a Re-Approval.

Mr. Singer: Have they paid the \$250.00 fee asking for Re-Approval?

Connie Sardo: Yes.

Mr. Singer: They did. Then, we accepted it.

Connie Sardo: Yes.

Mr. Bollenbach: It would be for the Board's consideration. I recommend against it. Do as you wish.

Mr. Singer: I recommend that we give them the Re-Approval subject to the conditions that we had previously stated.

Mr. Astorino: Do we have a second? We don't have a second.

Mr. Singer: You are forcing them to make a completely new application.

Mr. Bollenbach: No. We are not. It could be entertained at a later date by the Board to grant a Re-Approval once they have complied with the stipulations. Until that time, I recommend against it.

Mr. Showalter: I think that would be wiser following Mr. Bollenbach's advise.

Mr. Astorino: So, we are going to have to table it.

Mr. Bollenbach: Correct.

Mr. Astorino: As long the applicant doesn't have to come back to do their complete plans over.

Mr. Showalter: It sounds like they would still be able to move through. They are apparently not complying to the outlined order.

Mr. Astorino: The Jordan application for Re-Approval has been tabled.

4. Planning Board Minutes of 4/1/09 – Planning Board Minutes of 4/1/09 for Planning Board Approval.

Mr. Showalter makes a motion to Approve the 4/1/09 Planning Board Minutes.

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

Correspondences:

1. Letter from Kirk Rother, dated 4/7/09 addressed to the Planning Board in regards to the Mante 2-Lot Subdivision, SBL # 47-1-78.234, property located on Bellvale Lakes Road requesting a Favorable Recommendation to the ZBA for a 280-a variance.

Mr. Astorino: Do any Board members have any concerns about the Mante Subdivision for a favorable recommendation to the ZBA?

Mr. Bollenbach: Or, do you want to do it without recommendation?

Mr. Astorino: I don't have a problem with a favorable recommendation to the ZBA. How does the rest of the Board feel?

Mr. McConnell: Ok.

Mr. Singer: Ok.

Mr. Showalter: Ok.

Mr. Astorino: The Planning Board will give a favorable recommendation to the ZBA for the Mante application.

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 April 15, 2009 Planning Board meeting.

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