

TOWN OF WARWICK PLANNING BOARD

May 6, 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, May 6, 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 Evan Pankin**

Application for Final Approval of a proposed 3-Lot subdivision and application for Site Plan Approval and Special Use Permit for the construction and use of commercial warehouse facilities entitled, *Warwick Water Corp. (WWC), Lands of Pankin*, situated on tax parcel S 35 B 1 L 21; project located on the southern side of Lake Station Road 800 feet west of Kings Highway, in the OI zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Anthony Trochiano from Pietrzak & Pfau Engineering. Bob Krahulik, Attorney.

Connie Sardo: Mr. Chairman, we have just received the certified mailings for the Warwick Water Corp's public hearing.

Mr. Astorino: Thank you.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
  - A. Applicant to discuss screening landscaping.
  - B. Applicant to discuss Aquifer Impact Assessment.
3. Clarify the current ownership of the parcel and identify the applicants.
4. The applicant has been urged to expand the sewer district. Submit a petition to the Town Board for expansion of the sewer district to the Planning Board Attorney's specifications.
5. General Note #8 lists prohibited activities within 200 feet of wells. Applicant and Board to discuss potential uses of Lot #1.
6. Screening plantings (12 White pines) are shown adjacent to SBL 35-1-18 but situated within an O&R high tension wire utility easement. Typically, tree plantings are discouraged within such easements. Applicant to discuss screening plantings between business and residential uses.

7. Clarify the location of the proposed Pump Station on the Site Plan (sheet 3 of 8). Also provide calculations for sizing the pump station and include a force main profile.
8. Provide a letter from the Warwick Fire District that fire lanes are sufficient.

**SWPPP:**

9. Provide supporting stabilization calculations for swales, as noted on the detail.
10. The SWPPP Narrative is incomplete. Provide the following items: copy of contractor responsibilities and certification, identification of Trained Individual, identification of potential sources of pollution, and calculation for emergency spillway embankment. Include documentation from the Office of Parks, Recreation and Historic Preservation (OPRHP) and documentation regarding endangered species.
11. The NYSDEC Notice of Intent (NOI) shall be completed consistent with the SWPPP Narrative and plans. Provide a copy of the submitted NOI.
12. Level Spreader is a temporary erosion control measure per the current *NYS Standards and Specifications for Erosion and Sediment Control*. A permanent control measure shall be provided (i.e. Rock Outlet Protection) with calculations supporting its sizing.
13. Obtain a blanket easement for use and maintenance of the stormwater management facility discharge on SBL 35-1-22.1 from the Town of Warwick. Applicant to discuss discharge from the pond directed to an existing wetland on adjacent Town property and Park Drive.

**BEFORE FINAL APPROVAL:**

14. Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners.
15. Provide the declaration and the recording information on the plan for Agricultural Protection Notes, Aquifer Protection Overlay Notes and a sewer line easement.
16. Applicant to provide an irrevocable offer of dedication for the Town Board's approval of a strip along Lake Station Road.
17. Applicant to provide 9-1-1 addressing.
18. Pay performance bond (stormwater management facilities, erosion control), a 3-year term landscape bond (screening plantings, hydric plantings at stormwater management facilities) and construction inspection fee.
19. Pay outstanding review fees.

The following comment submitted by the Conservation Board, dated 5/6/09:

Warwick Water Corp./Pankin – The CB has no comment.

The following comment submitted by the ARB, dated 5/6/09:

Warwick Water Corp./Pankin - See previous comments. ARB certainly endorses the proposal by the applicant to seek permission to connect to the local sewer district in order to avoid any contamination of the wells on adjoining property.

Comment #1: Board to discuss SEQR.

Mr. Fink: This application is subject to SEQR. The Planning Board classified it as an Unlisted Action. The Planning Board was declared Lead Agency to conduct the environmental review of the project. We have a couple of SEQR comments that do need to be addressed. There are the issues of aquifer impact, landscaping, sewage treatment, as well as storm water management. There is one additional SEQR issue that is not listed in the comments tonight which is the issue of the State's protected freshwater wetland that is on the property. The applicant had proposed a storm water management basin adjacent to the 100-

foot protected area. We need to research the issue of the delineation of the wetland, which was conducted a number of years ago. It might have lapsed at this point. If that is the case, the DEC would need to recertify it. We do have a certified map. It does have the DEC stamp on it. We believe that the date on it might have expired.

Mr. Astorino: We received your email on that matter. We are all on the same page with that.

Comment #2: Applicant to discuss project.

Bob Krahulik: This property is zoned for commercial purposes in the office/industrial park zone, which is the OI zone. We are proposing warehouse use. It is a permitted use within the OI zone. The property will satisfy all of the setback requirements. It is also located in the Aquifer Overlay District. There will be aquifer notes and requirements placed on the plan that are designed to prevent infiltration into the ground water. The property is also located within 2000 feet of an Agricultural District within the Town. There will be notes placed on the map that would notify future property owners that it is within that proximity to agricultural uses. The property is improved and utilized with (3) working wells that services the Kings Estates subdivision. The property owner would retain ownership of land on which the wells are located, which is the purpose for the 3-lot subdivision. The remaining land would be improved for warehouse purposes. The land would be graded to prevent runoff from being directed towards the wells. The wells sit on land slightly higher than the warehouses to be built. There will be landscaping installed. We propose some landscaping on the plan that would hopefully provide us an esthetically attractive appearance for the property as possible. There are specific requirements that warehouse uses are subject to when it comes to landscaping. We intend to fully comply with those requirements.

A. Applicant to discuss screening landscaping.

Mr. Astorino: What are the intended uses in the warehouses?

Bob Krahulik: The property owner owns an excavating company. The equipment associated with the business would be stored inside the warehouses.

Mr. Astorino: Ok. You already mentioned the landscaping before.

B. Applicant to discuss Aquifer Impact Assessment.

Anthony Trochiano: We are preparing a letter for the Aquifer Impact. We are not proposing any infiltration trenches for sewage. The proposed storm water pond design would have a liner installed. There would be notes to that affect. We are proposing to provide a pump station to have sewage pumped to the nearest manhole off site.

Bob Krahulik: I would like to add that we have a petition submitted to the Town Board looking to annex this property to the Wickham Sewage District so that wastewater would not be discharged into an onsite septic field. It would be sent offsite and treated as part of the municipal sewage treatment for that district.

Mr. Singer: Could I assume that there would be no outdoor storage? Would the excavating equipment be placed inside the buildings?

Bob Krahulik: I am not certain about that. I believe there will be outdoor storage. As the plan is developed, we would have to determine where that would be. We would have to provide appropriate screening so the equipment would not be visible to particular residential property owners. It is evident, that is an issue. Visibility is an issue from Lake Station Road. We would be more than happy to provide adequate landscaping to shield those from view. I think primarily the uses on Lake Station Road are commercial in nature. There is a residential home adjacent to the property. The plan does show screening between that home and the site. If more screening would be warranted, we would be happy to provide that.

Mr. McConnell: Is your application dependent upon the Town accepting the annexation of this property to the Sewer District.

Bob Krahulik: Not necessarily. That is a condition of the Planning Board. If the Town denies our application, then we come back to the Planning Board and propose an onsite septic system.

Comment #3: Clarify the current ownership of the parcel and identify the applicants.

Bob Krahulik: Presently, Mr. Evan Pankin is the record owner of the property. I am not sure of the history of the property from Mr. Pankin's standpoint. The intent is for Warwick Water Corporation to own the lots on which the wells are situated on. That is the Corporation that maintains the wells and provides water service to Kings Estates. Upon completion of this subdivision, Mr. Pankin intends to convey ownership of the lots which the wells are located on to the Warwick Water Corporation. At one point in time, title was in the name of Warwick Water Corporation. I don't know why it ended up being conveyed to Mr. Pankin, but it was done. Lot #1, which the warehouses would be located, it would be conveyed to Brock Majewski, who is the applicant.

Comment #4: The applicant has been urged to expand the sewer district. Submit a petition to the Town Board for expansion of the sewer district to the Planning Board Attorney's specifications.

Mr. Bollenbach: Yes. That has been submitted. The Town Board will be entertaining that in about 2 weeks.

Bob Krahulik: Correct. I met with Mr. Hicks. We went over some of the details. I think the next Town Board meeting will be on May 28, 2009.

Mr. Bollenbach: Yes.

Comment #5: General Note #8 lists prohibited activities within 200 feet of wells. Applicant and Board to discuss potential uses of Lot #1.

Anthony Trochiano: I believe that note is in reference to insuring that there would be no spillage or leakage from vehicles that are being serviced in proximity to any of the existing wells on site. The existing wells that are on the other lots, not the warehouse lot, are all provided with a minimum 100-foot ownership radius. In addition to that, it would be provided with a 200-foot wellhead protection radius. The existing well that would be utilized for the warehouses is within 200 feet of a certain portion of one of the warehouse buildings. That was why we placed that note to that effect on the plans.

Bob Krahulik: That existing well is not utilized by Kings Estates. It is not subject to the same 200-foot protection zone that the other wells are.

Mr. Bollenbach: That well would be used for the warehouse use only?

Bob Krahulik: Correct.

Mr. Astorino: Zen, that might be something you might want to review.

Comment #6: Screening plantings (12 White pines) are shown adjacent to SBL 35-1-18 but situated within an O&R high tension wire utility easement. Typically, tree plantings are discouraged within such easements. Applicant to discuss screening plantings between business and residential uses.

Mr. Astorino: I am sure we will hear more about that this evening during the public hearing. As the evening goes on, we will get through to that.

Comment #7: Clarify the location of the proposed Pump Station on the Site Plan (sheet 3 of 8). Also provide calculations for sizing the pump station and include a force main profile.

Anthony Trochiano: That will be provided in the next submission.

Comment #8: Provide a letter from the Warwick Fire District that fire lanes are sufficient.

Bob Krahulik: Will do.

**SWPPP:**

Comment #9: Provide supporting stabilization calculations for swales, as noted on the detail.

Bob Krahulik: Will do.

Comment #10: The SWPPP Narrative is incomplete. Provide the following items: copy of contractor responsibilities and certification, identification of Trained Individual, identification of potential sources of pollution, and calculation for emergency spillway embankment. Include documentation from the Office of Parks, Recreation and Historic Preservation (OPRHP) and documentation regarding endangered species.

Anthony Trochiano: That will be put into the SWPPP in the next submittal.

Comment #11: The NYSDEC Notice of Intent (NOI) shall be completed consistent with the SWPPP Narrative and plans. Provide a copy of the submitted NOI.

Anthony Trochiano: That will be put into the SWPPP in the next submittal.

Comment #12: Level Spreader is a temporary erosion control measure per the current *NYS Standards and Specifications for Erosion and Sediment Control*. A permanent control measure shall be provided (i.e. Rock Outlet Protection) with calculations supporting its sizing.

Anthony Trochiano: We will provide rock outlet.

Comment #13: Obtain a blanket easement for use and maintenance of the stormwater management facility discharge on SBL 35-1-22.1 from the Town of Warwick. Applicant to discuss discharge from the pond directed to an existing wetland on adjacent Town property and Park Drive.

Bob Krahulik: We will work on that with John Bollenbach.

Mr. Bollenbach: I think that one of the concerns was the discharge from the detention/retention facility is quite close to an adjoining property line. Perhaps that could be reconfigured or to demonstrate a level spreader so that the water is dissipated before it hits that property line.

Anthony Trochiano: Ok.

Zen Wojcik: Mr. Chairman, regarding the level spreader that the Planning Board Attorney just mentioned that is appropriate as a temporary feature. We are looking for a permanent erosion control measure. The other thing is that there will be discharge that will go over onto Town property. I was hoping for some discussion about the nature of that. Perhaps we could have some filling out for the audience so they could understand what would be coming out of this facility.

Anthony Trochiano: The way that the stormwater was designed for this project, we made sure that we were able to collect any rainfall that hits the proposed warehouse buildings, gravel driveway, any excavated cuts, anything within the disturbance lines. What we had done was set the proposed buildings into the hillside. They are cut into this hillside. When the rainfall hits the warehouses in the disturbed areas, the rain would slope down towards the gravel driveway along either side of the gravel driveway that would flow directly into the stormwater pond. The stormwater pond, we are providing a wet pond per DEC regulations. That will provide stormwater quality treatment. Above all that wet pond is a detention basin. That detention of stormwater would be controlled by an outlet control structure that would have a number of outlets on it. It would be a concrete inlet with a number of control outlets on it. That would only release stormwater out of the pond at a rate that would be much less than the rate at its existing condition. That way, we would not create any issues in the quantity of runoff as coming off the project site. Just to give you an idea about this, in the design of a 100-year storm, the outflows from that pond would be very small because of the nature of the site. It would be less than what comes out of a garden hose. The flows out of the pond would be minimal. The idea is that when outflows come out of the pond, we would provide a rock outlet that would spread out all of the outflow creating sheet flow out of it. It would flow over the land through the adjoining Town of Warwick property. It would eventually enter into an existing stream that runs along the eastern side of the Lands of Pankin project. Then, it would head in a northern direction. That stream is within the NYSDEC wetlands.

Mr. Astorino: Zen, do you have anything more? That would be something for you to review.

Zen Wojcik: Definitely.

**BEFORE FINAL APPROVAL:**

Comment #14: Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners.

Anthony Trochiano: Yes.

Comment #15: Provide the declaration and the recording information on the plan for Agricultural Protection Notes, Aquifer Protection Overlay Notes and a sewer line easement.

Bob Krahulik: Will do.

Comment #16: Applicant to provide an irrevocable offer of dedication for the Town Board's approval of a strip along Lake Station Road.

Bob Krahulik: Will do.

Comment #17: Applicant to provide 9-1-1 addressing.

Bob Krahulik: Will do.

Comment #18: Pay performance bond (stormwater management facilities, erosion control), a 3-year term landscape bond (screening plantings, hydric plantings at stormwater management facilities) and construction inspection fee.

Bob Krahulik: Will do.

Comment #19: Pay outstanding review fees.

Bob Krahulik: Will do.

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

Mr. McConnell: Is it proposed to store any bulk storage of fuels for this equipment on this property?

Bob Krahulik: No.

Mr. McConnell: How would they be refueled?

Bob Krahulik: I would have to get you an answer for that. They do not propose any large storage tanks to be permanently installed on the site.

Mr. McConnell: By large, do you mean what?

Bob Krahulik: I will get you specific answers. There won't be for example 1,000 gallon fuel tanks on the property.

Mr. McConnell: Find out if there would be 55-gallon drums. I know right now you don't have the answer.

Bob Krahulik: I will.

Mr. Astorino: That is a very valid point. Does the Board or Professionals have anything further?

Mr. Kowal: Carl had mentioned about outdoor storage. You were talking about screening. I think he was also concerned about possible oil leakage from equipment that would be stored on site. Any equipment that would be there, would it be stored on concrete pads or indoors?

Mr. Astorino: Would it be in a containment center?

Bob Krahulik: What we could do is further develop a plan that would show areas of outside storage proposed. We could make sure those concerns would be addressed in detail on the plans. We could provide some type of landscaping schematic for you to visualize screening that would be provided for that area.

Mr. Kowal: It is not just the screening that I am concerned about. I am more concerned about possible contamination.

Bob Krahulik: We will work with Pietrzak's office. We will show the location and the material that the parking area would be composed of.

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

Mr. Fink: When the documents are resubmitted on the Aquifer Impact Assessment and all of the other information that we discussed tonight, the EAF also would need to be amended. The document that we have right now only addresses the approval of the site plan, not the subdivision. You need to have a document that addresses the site plan and the subdivision approvals.

Anthony Trochiano: Ok.

Mr. Astorino: This is a public hearing. There is just one note before I open it up to the public. I appreciate you coming out. Just address the Planning Board with your comments. No action will be taken by this Board on the Warwick Water Corp./Evan Pankin this evening. There are many unanswered questions we can't answer. We don't have the answers yet. If you have any written comments, you could submit them for the record. I will call your name from the signup sheet. You could come up one person at a time to address the Planning Board with your concerns. If it starts getting too repetitive, I will let you know. We will take notes. Your voice will be heard.

Mr. Bollenbach: Mr. Chairman, the public hearing will not be closed this evening. There will be additional opportunity for public comment.

Mr. Astorino: This is a public hearing. If there is anyone in the audience wishing to address the Warwick Water Cop./Evan Pankin application, please rise and state your name for the record. From the signup sheet, I will call Jenny Milner from Grissom Street to come up to address the Planning Board on the WWC/Lands of Pankin application.

Jenny Milner: I don't have any questions.

Mr. Astorino: Next from the signup sheet, I will call Darren and Jeanne Petty from Park Drive to come up to address the Planning Board on the WWC/Lands of Pankin application.

Mr. Bollenbach: Since there are two of you, please have one person speak at a time.

Darren Petty: If I may, I would like to say something while it is fresh in everyone's minds. He was saying that he could direct the runoff. You are not going to direct the runoff with a gravel parking lot. In a heavy rain, you might direct some of the runoff. With a light consistent rain, you will not. It would seep into the ground. The vegetation would be lost. Everything will be lost. This water will seep into the ground and would have to find other avenues to go out. You said that you would direct the water down into this thing. Not only is this pond right in my backyard where my children play, it would also be for mosquitoes and the West Nile virus. If you have done your education on this thing, you would know what I am talking about. He said this water would run onto the Town of Warwick's property. There are wetlands over there. The water always sits there. To say it would run into there and then upstream...

Mr. Astorino: That would be something we would have to review.

Darren Petty: If this was pavement, not gravel, and you had catch basins to direct the water, and slope the pavement to direct the water into the catch basins into the sewers, what you would be doing is this ground is already saturated. I beg you to come out and see our situation. Walk our land. Stand in our backyard. See where my children play. This is killing.

Mr. Astorino: That might be something the Board would do. We regularly do site visits. I don't think the Board would have a problem with doing that.

Darren Petty: This is happening right in our backyard. I heard 4 or 5 times that this was going to be dug out. All of our land that is adjacent to this land, which is 270 feet of it, all of it, when you dig this out, all of our land goes uphill, then it levels out to their property. What kind of retaining walls and drains would you put up? You will have land erosion. You will have land erosion right up to my property. This land is wet. To say that you know where this water would go, you don't know. You are taking a lot of vegetation out of this land. This water will end up onto our property. We had what was possible was a subdividable lot that would no longer be now with this in our backyard. Financially, not only would our house values go down, you would be costing us money.

Mr. Astorino: How many acres do you have?

Darren Petty: We have almost 2 acres.

Mr. Singer: Are you located on Lake Station Road?

Darren Petty: No. We are located on Park Drive. I don't even care about the land. This is getting to my children. I am really upset about this. Then, you have a truck turnaround right there. If someone says that this would be going into someone's development by sticking an industrial park in the backyard and then calling it a day. You can't do it.

Jeanne Petty: With the children, I have done plenty of research on detention ponds and retention ponds. The engineer was talking about having a wet pond on the bottom and a detention pond on top. The research that I have done showed that would be requested by the DEC specifically if you have a wetland and you don't think you could control the water adequately with one or the other. That is what they are doing there. If you put in a detention pond in a wet pond, I have done studies on that on the internet. Kids will be killed. Kids are attracted to these things. They look like pools. You could dress them up or undress them. They will get in there. You could say that parents have the responsibility of keeping eyes on their children. There was a Chicago who man that fell into one of these things because of the landscaping and the design of it. He went down the hill and drowned. There is also somewhat of an undertow system that is in there. If a kid does get into there and knows how to swim, they could get sucked into a system of drainage. It is a very deadly combination. I have 5 children and 1 grandchild. I have a 2 year old, 3 year old, and 4 year old not to mention that they would be around this area. This is directly on the other side of the berm on my property or the hillside. Again, you are talking erosion and a deadly situation with this pond. I don't want it near my house. Not only would my children be in danger, everyone's child would be in danger. They could hurt themselves seriously.

Darren Petty: I think the DEC was last in there in 2002.

Mr. Astorino: Our Planner had mentioned that. We are going to check on the dates.

Darren Petty: Has the Environmental Impact Study (EIS) been done?

Mr. Astorino: That is what we are in process of.

Darren Petty: How about the wildlife in there? There are so many issues. The main issue here is and I urge you to take a look at this land regarding the drainage in there. I also have concerns about dust and noise. I have concerns about the dust with the gravel parking lot. It is not blacktop. Please take a look at this.

Jeanne Petty: Another note on the detention pond is the West Nile. It is a known fact. I have done studies. I have just handed you paperwork on that matter.

Mr. Astorino: We have received a copy of Mrs. Petty's paperwork/correspondences for the record.

Jeanne Petty: Mosquitoes do breed. As much as they say that they are not going to breed, the water in the detention pond is supposed to be released every 72 hours. Breeding for mosquitoes takes from 2 to 6 days. That is all they need for standing water. The definition of a wetland in the Eco system is a property that actually contains everything that it does. It filters the water, which is a natural process. It then goes down into the stream. It keeps the mosquitoes and the wildlife in there where it is all contained within this system so that it does not get out into the neighboring properties. When they take all of this out, we are going to have the issues of everything that this property was containing which would lead into our backyard including the mosquito population. I could tell you right off the bat that we have not had issues with mosquitoes. I never had to spray my kids or do anything with mosquitoes regarding this property. I could tell you from what I have read that they are too new to actually say that the DEC recommends them, but they are too new to say that they would not be hazardous and the mosquito population as well.

Darren Petty: Boulder County Colorado had made these things illegal in their building because of the larva that builds up from mosquitoes. Many States don't use these things. Please don't put this stuff near my children.

Mr. Astorino: I believe we might be scheduling a site visit.

Jeanne Petty: The other thing I request is that the gravel driveway and the road coming in be paved, not gravel, if you go ahead with this project. We are entitled to a dust free environment. I have a grandchild with asthma. I just recently had my son in the hospital with pneumonia. He was in respiratory distress. If you have ever seen a 3-year-old child in respiratory distress, you wouldn't want to see any pollutants in the air. I want to know about the vehicles that he will be storing over there. I want to know if they would be running all day. I want to know what the context would be. Would they be in the warehouses or doing work out there? Then, you will be talking about noise pollution and air pollution.

Mr. Astorino: In the Town Code, there are hours of operation. There is a noise ordinance for commercial properties in the Town of Warwick. They would have to adhere to them.

Darren Petty: Are you going to put a restricted use on what could be done? This guy could go and lease the buildings next year.

Mr. Astorino: They would have certain uses that could be used. This is not a restricted use. It is a permitted use. There is a code they have to follow. They just can't do what they feel like they want to do.

Darren Petty: Noise is a major concern. My son is scared of the trains that go down the track. The train wakes him up at 2:00 a.m. and he cries for an hour. What am I going to do with this stuff in the back? I have to say something that I found a little insulting. I was talking on the phone yesterday to the Town Engineer, Zen. I asked about a noise wall for noise. He said to me, do you really want to look at that? I said to him, opposed to what, a huge factory, pond, some tractor-trailers turning around. I want to look at a noise wall. I don't want the noise on my land. How about lighting? Lighting, is another issue.

Mr. Astorino: All of these issues you are bringing up are in the Code. They would have to comply with certain down-lighting specifications. It would have to be monitored. The cut-sheets would have to be presented to the Board and reviewed. They could not have light spillage over the property lines.

Jeanne Petty: There is another issue that I would like to bring up. I heard you say that he would have to comply with the Fire Code.

Mr. Astorino: Yes.

Jeanne Petty: What about our Fire Codes. We have one entrance in and one entrance out.

Mr. Astorino: Letters have been sent to the emergency services.

Jeanne Petty: How much fuel would be stored on the property? If he has an excavating company, would there be any chemicals stored on the property? Who would be monitoring this once he puts this up? Who would police the situation?

Mr. Astorino: If this does go through, the Building Department would be monitoring the site.

Darren Petty: We are in a Town that is for land preservation. This is the 2<sup>nd</sup> home that we owned in this Town because we like the schools and the Town. If this goes through, I am not going to have the same feelings. I am sure the same goes with a lot of the other people here. This should not be in our backyards.

Jeanne Petty: There is one more issue that I would like to address. I know that you mentioned about doing an EIS.

Mr. Astorino: We are doing an EAF. Ted will be checking with the DEC about the wetlands.

Jeanne Petty: What about doing an Environmental Impact Statement (EIS)?

Mr. Astorino: If, we deem it necessary.

Jeanne Petty: I would like to have a wildlife assessment. I know that there are cottontail rabbits at the site.

Darren Petty: There are bullfrogs, bears, and deer at the site.

Mr. Astorino: Ted, I believe you mentioned something about any types of endangered species.

Darren Petty: There are also bats at the site.

Jeanne Petty: I request an assessment from somebody from NYS to assess.

Mr. Astorino: Yes. For the record, we have received written comments from Darren and Jeanne Petty.

Darren Petty: I asked Assemblywoman Annie Rabbitt if she would have the DEC come out. I will give Annie Rabbit our concerns. The DEC and Environmental Protection Agencies will come out to take a look at this. For the record, my final word would be not in my backyard.

Mr. Astorino: Thank you. For anyone else that comes up to address the Board, many issues were brought up by this couple. If you have the same concerns, fine. You could address them quickly. But, do not get repetitive. We do have the comments. They are on the record. If you have anything specific, then fine. From the signup sheet, I will call Dawn and Todd Giambrone from Shepard Road to come up and address the Board on the WWC/Lands of Pankin application.

Todd Giambrone: I just want to say that anybody who walks this property will know that this property floods non-stop. You could walk, walk over to Park Drive, and with any kind of rain, it would be flooded out. This retention pond, I don't know what studies they had done, but with a 100-year storm, I wish I could get one of those in my backyard. This does flood. This is much higher than my land. The second concern that I have, you brought up that if it would be paved land and if there would be outside storage. This is all gravel. There is no pavement at all.

Mr. Astorino: That was why it was brought up.

Todd Giambrone: Another concern that I have, would they be hooking into our water? There will be a waterline going into this.

Mr. Bollenbach: No.

Mr. Astorino: I believe they have a well on site. The applicant was going to the Town Board to see if they could hookup into the Sewer District.

Todd Giambrone: Is the proposed waterline out that is shown on these plans?

Mr. Astorino: It is a proposed sewer line.

Mr. Bollenbach: There might be some existing waterlines pumping water from the water wells to the developments. It would not be accessed for the warehouse use.

Todd Giambrone: Ok. Thank you.

Mr. Astorino: From the signup sheet, I will call Mary Watson from Grissom Street to come up to the Board to address the WWC/Pankin application.

Mary Watson: Why do they need wells and sewage for a warehouse that would only be storing equipment?

Mr. Astorino: They might have an office in the warehouse. I don't know if you plan to have an office in the warehouse or a bathroom?

Anthony Trochiano: There will be a restroom in the warehouse.

Mary Watson: On the plan, the setback line says 200 feet. The 100-foot turnaround goes down way below that line. Am I not reading that right?

Mr. Astorino: Zen, could you show the plan to Mary Watson and explain the setback lines?

Zen Wojcik shows the plans to Mary Watson and explains to her what the setback lines and rules mean.

Mary Watson: What guarantees will there be for monitoring noise, visual, etc...

Mr. Astorino: The Building Department will enforce that. It has been done in the past. We had another application before the Board at one time called Mid-State Lumber. That application had issues with noise and screening. This Board went out at 5:00 a.m. with a noise meter because it was before us. We wanted to hear it for ourselves.

Mary Watson: Did they do it 3 years later?

Mr. Astorino: It doesn't matter. It is noted on their maps. They have to comply. If they don't comply, they would get cited. The Planning Board does not do enforcement. That is not our purview. Once an application receives approval, there are notes placed on the plan. If a resident has a concern, they will call the Building Department. The Building Inspector would go out and inspect the situation. There is a noise ordinance. Our Engineer usually goes out with a noise

meter and measures the appropriate decibel level. As far as lighting, they would have to comply to the lighting regulations. Those notes would be placed on the map.

Mr. McConnell: There is also a bond posted for the landscaping.

Mr. Astorino: There is a 3-year landscape bond posted to make sure the plants survive. Again, we haven't heard it yet, I am sure there are some residents out there that would want some additional screening. We spoke to the applicant about that this evening. If there is something close to a property line, that would be mitigation that they would have to provide.

Mary Watson: If they tap into our water...

Mr. Astorino: No. It is not water. It is for sewer.

Mary Watson: Ok. Thank you.

Mr. Showalter calls from the signup sheet Laurie Infantino and Janine Settupane from Grissom Street to come up and address the Planning Board on the WWC/Pankin application. Ms. Infantino and Ms. Settupane had no comments. From the signup sheet, Mr. Showalter calls Diana Donohue from Grissom Street to come up and address the Board on the WWC/Pankin application.

Diana Donohue: I have been a resident since 1962. My parents came here when it was all country. A couple things mentioned bothered me. It was mentioned that there was just one house nearby. There is a development located there called Wickham Knolls that has been there for a long time. Do you see all of these people here this evening? It shows that there is more than one house located there. There are many houses. It is a development. We have been there for a long time. When it was mentioned that there was only one house, where was he looking? That bothered me. There is a whole development. I have concerns about the water. We are tapped into the municipal water. We also have the sewer. It has been like that since the beginning. Many people are shocked because on the back roads they have to have their own wells. We have always been connected. I know that Mrs. Watson asked about the water. We had in the past with Wickham Knolls and Wickham Village a community well. Where is that community well? We are thinking that it might be in this backyard where he would be building.

Mr. Astorino: There are some down by Simpson Lane and down by the airport. I know there are some located by Ridge Homes. As we speak, there will be a new well going on line. They will be installing a new pump house that would take care of the Wickham Water District. I don't know if you are aware of that. That is in the process now.

Diana Donohue: Would our taxes go up?

Mr. Astorino: But, you would have water.

Diana Donohue: Hopefully, it would be clean water. We had a problem with the water at one time. It got everyone sick.

Mr. Astorino: From what I understand, it is a high yielding well. I think the more water the better.

Diana Donohue: That was my concern. I know that there were some pollutants that got in.

Mr. Astorino: This applicant is not requesting to tap into the water. I think their water usage would be minimal regardless. They are requesting to tap into the sewer line. The Planning Board is pushing it in that way. The reason is because it is on an Aquifer Overlay.

Diana Donohue: This does concern me. It will be in my backyard. I grew up here. Not seeing the woods in my backyard any more is upsetting. Seeing an industrial thing is not too much fun.

Mr. Astorino: We are just in the process of reviewing it. It is zoned for this. We did not change the zone. The Town Board did not change the zone. John, how long has it been zoned like this?

Mr. Bollenbach: Since the 1960's.

Mr. Astorino: We are going through the process. It is zoned for this. We are just in the beginning stages. That is why we are having the public hearing listening to your concerns tonight.

Diana Donohue: I just want to tell you that it does flood a lot. I do have flooding concerns. My property on Grissom Street, I have a hill that goes up. Flooding does happen back there.

Mr. Astorino: The Planning Board will schedule a site visit. We will do a little walk ourselves.

Diana Donohue: I am concerned with this new construction proposed. Thank you.

Mr. Showalter calls from the signup sheet Carolyn Doyle from Shepard Road to come to the Planning to address the WWC/Pankin application. Carolyn Doyle had no comments. Mr. Showalter calls next from the signup sheet Judith Smith from Park Drive to address the Planning on the WWC/Pankin application.. Judith Smith had no comments. Next on the signup sheet, Mr. Showalter calls Ilene Gilmore from Lake Station Road to come up and address the Planning Board on the WWC/Pankin application.

Ilene Gilmore: One of our main concerns is the location of the driveway. It is directly across the street from our driveway. At first, we did not like the idea of having a driveway across from our driveway knowing that heavy equipment and trailers will be going in and out from that driveway. The other concern that we have is that to the east of our driveway there is a hill and a curve. Cars come speeding around that all the time. More than once, we had to brake really fast because we didn't see a car coming around the curve especially when it is a lower car we can't see it coming. If it is a van, we could see that coming over the hill.

Mr. Astorino: Does this happen when you are pulling out of your driveway?

Ilene Gilmore: Yes. It happens when we are pulling out of our driveway. It seems like a dangerous place to have heavy equipment coming out onto the road. We are very concerned about that. We are concerned about the proximity of the first warehouse to Lake Station Road. It doesn't seem to me to be set back very far. I don't know what is planned to have between the warehouse and Lake Station Road.

Mr. Astorino: There will be screening of plantings.

Ilene Gilmore: They are not going to be able to screen that out.

Mr. Astorino: Screening is not to block it. The screening would there to soften the visual impact.

Ilene Gilmore: I understand that. It would be better if it was put back further.

Mr. Astorino: That would be something that we could look at.

Mr. McConnell: If you moved it back further, then you would be moving closer to the homes that are behind.

Mr. Astorino: Yes. There is a point.

Mr. McConnell: There is a trade off.

Ilene Gilmore: True. I understood that it was going to be equipment stored inside the warehouses. But, it sounds like equipment would also be stored outside.

Mr. Astorino: That would be something that we would have to discuss with the applicant. As you have heard, there are concerns from Board members on that also.

Ilene Gilmore: I hope they won't be stored outside the warehouses. I hope they would be stored in between the warehouses.

Mr. Astorino: That is something that we have issues with ourselves.

Ilene Gilmore: I am also concerned about what would be used for screening.

Mr. Astorino: It would have to be something that would be survivable. Our Planner is good on that on getting the plants that would survive. There is a 3-year landscape bond posted.

Mr. Bollenbach: There is a 4-season requirement that it be screened throughout the year.

Ilene Gilmore: Ok. Would the screening be just along Lake Station Road?

Mr. Astorino: That has not been decided yet. If there are residents that request screening, the applicant has made it clear that there would be no problem with that. The Planning Board has no problem forcing an applicant for mitigation screening.

Ilene Gilmore: Ok. How tall would these warehouse buildings be?

Mr. Astorino: In the Code, it is stated that 35 feet is the maximum height. I don't think these buildings would be up that high.

Anthony Trochiano: I think the buildings will be less than 35 feet in height. I don't have the exact height right now.

Mr. Astorino: They are permitted 35 feet in height in that zone. It is the same as a residential home. I don't think they would be up near that high.

Mr. Bollenbach: Mr. Chairman, maybe Ted could would like a visual analysis and a line of sight profile. That might also determine the height of the screening and the buildings. Let us get some visual analysis.

Mr. Astorino: Even with the residential around them, some of the sight triangles would bounce off the homes around.

Ilene Gilmore: Right. I would think some of that construction equipment would be kind of high.

Mr. Astorino: I think the buildings would be taller than the construction equipment.

Ilene Gilmore: That would be pretty high.

Mr. Fink: On that note, we could provide the specifications for a visual impact analysis.

Mr. Astorino: Yes.

Ilene Gilmore: What kind of material would the construction be? What would they be making the warehouses out of?

Mr. Astorino: That is something that is yet to be determined. I am sure the ARB would also have a comment on that.

Mr. Bollenbach: Whatever type of material it would be, it would be required to be earth tones. There are Design Guidelines that the applicant would have to follow to soften the visual impacts. They would have to be non-reflective surfaces and earth tone colors so that it doesn't draw attention to the structures.

Ilene Gilmore: Regarding water, if it would be just for storage, then you would not need a lot of water. Are you going to be servicing the equipment there?

Mr. Astorino: I don't think there would be washing of the equipment on the site.

Mr. Bollenbach: I think you might be confusing the water consumption. It would be just for a restroom. The retention/detention facilities are storm water facilities. That would be the rain runoff that has to be controlled with quantity and quality.

Ilene Gilmore: Would there be mechanics or servicemen on the site to repair the equipment?

Mr. Astorino: There could be.

Mr. Bollenbach: They would be within the buildings.

Ilene Gilmore: Ok. How much activity do they plan on a daily basis? Would they be having a big truck coming out of there every day?

Bob Krahulik: Much of the equipment would be brought to an excavation site that would be no relationship to this piece of property. It would be left at an excavation site for weeks. It would not be the type of facility where you would have the same machine going in and out every single day.

Ilene Gilmore: Then, why do you need a storage place?

Bob Krahulik: The equipment isn't utilized entirely 24-hours per day, 7-days a week, 52-weeks of the year. There will be periods of time when the equipment would be on site. My point is that you would not have a high volume of traffic bringing equipment in and out every single day.

Mr. McConnell: Bob, wouldn't it be the case that it would not be economical to move this equipment back and forth to the storage yard every day. It would be a big deal to move this stuff.

Bob Krahulik: A good example would be the supermarket that is being built on Route 94 South. The equipment stays there on site for a considerable period of time. The issue regarding the height of the equipment, most of the equipment has to make it down roads and under bridges. The structures don't have to be that high to accommodate equipment. The equipment could make it underneath a 14-foot high span.

Ilene Gilmore: If the equipment was at the site all winter and forever long, I am assuming that when you are there you would have another site to go to.

Bob Krahulik: Right.

Ilene Gilmore: Why do you need a warehouse to store it?

Mr. Astorino: The point is that the applicant needs a warehouse. I don't know how many pieces of equipment this applicant would have. He might have 4 bulldozers that he uses one bulldozer at one job and another bulldozer at another job. He might keep 2 bulldozers to store in the warehouses. I can't answer that correctly. It would be his obligation if he wants to build this building and keep it empty.

Mr. Showalter: It would be a garage for his machines.

Mr. Astorino: Bob, maybe you could get trips per day that the applicant would go down and in and out there.

Bob Krahulik: I could investigate that. This property is a commercial zoned piece of property. It would be an appropriate place to store their equipment.

Ilene Gilmore: Is there a vehicle weight restriction for vehicles on Lake Station Road?

Mr. Astorino: I believe all the vehicles that they would be trucking could go onto any Town road. They do it now. John, I don't know what the tonnage weight is on Town roads.

Mr. Bollenbach: I believe it would be around 40,000 pounds.

Mr. Astorino: We would have to check on that in order to give you an exact number.

Mr. Bollenbach: There are weight limits in the State of New York. Whatever the State's limits would be on a State Highway would also apply to a Town road.

Mr. Showalter: There is a formula that pertains to this with a number of axels that a truck and trailer has. All trucks and trailers that ride the roads in the State of New York, New Jersey, or anywhere are made to work within a limit that is set by a government. In most states the weight limit is 80,000 pounds.

Ilene Gilmore: The legal notice refers to 3 lots. But, there are only 2 warehouses? What is that about?

Bob Krahulik: There are 3 lots being created. The lots that show the warehouses is a single lot. That is just one lot. There are 2 separate lots being created that have wells on them. They would not be improve other than with the wells that are already there.

Ilene Gilmore: Would Pankin still own the property that the warehouses would be on?

Mr. Astorino: I don't believe so. I believe it would be Majewski. Pankin is currently the owner of the property now.

Ilene Gilmore: But, the ownership could change?

Mr. Astorino: I would assume.

Ilene Gilmore: Ok. Our main concern is that driveway across from our driveway.

Mr. Astorino: Ok. We will take a look at that.

Ilene Gilmore: Thank you.

Zen Wojcik: Mrs. Gilmore had brought up a good point about the sight distance. I would ask the Planning Board to ask the applicant's engineer to provide us with calculations for the sight distance. I would want to check on that.

Mr. Astorino: Ok. That would be fine. When we do the site visit, maybe we could have a little mark out there, on where it would be. We would take a look at that ourselves.

Mr. Showalter from the signup sheet calls Meghann Doyle from Shepard Road to come up and address the Planning Board on the WWC/Pankin application. Meghann Doyle has no comments. Mr. Showalter calls next from the signup sheet Ed Lennon from Shepard Road to come up and address the Planning Board on the WWC/Pankin application.

Ed Lennon: If anyone knows about the property on Lake Station Road, it is well kept and groomed. It is a beautiful area there as you come off Lake Station Road. As you enter into Wickham Knolls, it has always been wooded. When I moved to Warwick 26 years ago, I was taken back that it was a nice wooded area. Going into the development, I asked if this was the only way into it. I was told yes, that it was one entrance in and out. That was what attracted me to move into that development. For my children, it was a good place to be because there was no high traffic. Through the years, when people came up to visit us, they were always attracted by

that. When I first heard about this only 2 days ago when I received the notice in my mailbox, I was angry at all of you. But I sat here and listened to the Board. I said to myself that they are on top of this. Referring to the applicant, I am still mad at you. But, the Planning Board is on top of this. I am glad about that. As residents of this Town, we see the Planning Board protecting farms and the environment in Warwick. You are concerned about that. We are behind you on that. You read that in the Advertiser and say that is good stuff, good planning, and good neighbors. I commend you on that stuff. But, what about the people in Wickham Knolls? Are we any less important? Are homes there. We have been paying taxes for years. What this applicant will be doing with this project, it would cut our property value in half. In these economic times, people lose their jobs and selling their homes out of desperation because that is the only savings that they have. Now, you are going to put 2 big warehouses right on top of the property which creates all of the other big problems that the people have brought up tonight. I just ask you to really look at this. This project would not be good for this development and for these people.

Mr. Astorino: This Board does look at every application. We have a Zoning Code. We follow that Zoning Code. That is our job to make sure the Town of Warwick Zoning Code is followed. We listen to the residents and the applicants. We then move on from there. This is the early stages. We will go as we see. We will do a site visit.

Ed Lennon: You need to look at this closely. There are peoples' lively hoods at stake.

Mr. Astorino: Ok.

Ed Lennon: Thank you.

Mr. Showalter from the signup sheet calls Anna Marie Dickson from Grissom Street to come up and address the Board on the WWC/Pankin application.

Anna Marie Dickson: I have a list of questions that I typed up to give to you.

Mr. Astorino: We have received from Anna Marie Dickson a list of questions regarding the WWC/Pankin application for the record.

Anna Marie Dickson: I do have questions about the road safety. As you come down Lake Station Road, it curves. There have been accidents there. They had to put guardrails on that road. When I come out of my development in the wintertime with snow, you can't get up that hill. I have concerns about the safety there. I have concerns about a disaster plan. We have one road in and one road out. I have lived on Grissom Street 36 years. There have been many accidents. At one time, there was a major accident and we could not get to our homes for hours. We had to park our cars and walk to our homes.

Mr. Astorino: Did the accident happen on Park Drive or Lake Station Road.

Anna Marie Dickson: It happened at Lake Station Road right before the entrance. A couple years ago, we had an airplane come down. They had the fire trucks there. We could not get in and out.

Mr. Astorino: Letters have been sent to the emergency services. We are hopeful for a response from them to let us know how they feel.

Anna Marie Dickson: What happens if there is a fire at the site and the gas tanks go up?

Mr. Astorino: That is why we need to know if they would have fuel on site. The Fire Department would also know about it. That is an issue we are still working on.

Anna Marie Dickson: Ok. I have concerns about flooding. The creek that is located there with runoff has flooded. It has flooded where you could not get into your homes. This goes back to the year 1993 or 1994.

Mr. Astorino: Did this happen on Park Drive?

Anna Marie Dickson: Yes. It was on Park Drive. I live on the bottom of the hill. He is located on top of the hill. I get water into my house. I get a stream into my backyard that comes down. I live on the corner of Sheppard Road and Grissom Street. We have a catch basin. The catch basin floods. The whole street floods. The water doesn't go down. On the side of my house is an underground spring.

Mr. Astorino: Is that behind your house?

Anna Marie Dickson: It is right next to my house. It is next to Grissom Street and Shepard Road. It is right there where he is proposing to have a sewer line. There is an underground spring. I had a willow tree there that fell down and almost hit my house. There are water problems there. I am on the bottom. I get the water. You have the rest of my written concerns. Thank you.

Mr. Astorino: Ok.

Mr. Showalter calls from the signup sheet Madeline and Louis Polumbo from Park Drive to come up and address the Board on the WWC/Pankin application.

Madeline Polumbo: Our concerns have been basically addressed. However, I think there is an extenuating circumstance that the industrial portion of this property is residential. I don't think there is one of you from this Board who would want this in your backyard. That is our concern.

Mr. Astorino: The only issue with that is it has been zoned OI. We don't change zoning. That would be a Town Board issue to change the designation of zoning.

Madeline Polumbo: I understand that. I just ask the Board to take that into consideration.

Mr. Astorino: We will be doing a site visit. We will take a good look.

Madeline Polumbo: Thank you.

Mr. Singer: I just want to point out that Mr. Gilmore who I know lives next to a warehouse. He said that was the best neighbor he ever had. He also has a beautiful pond. It never caused a problem for his neighbors.

Mr. Showalter calls from the signup sheet Sheila and Phil Posta from Park Drive to come up and address the Board on the WWC/Pankin application. Sheila and Phil Posta had no comments. Mr. Showalter calls next from the signup sheet Dawn Canevari from Park Drive who has lived there 48 years to come up and address the Board on the WWC/Pankin application.

Dawn Canevari: You said that this property has been zoned commercial from day one. Why don't they do reviews?

Mr. Astorino: That would be a question for the Town Board.

Dawn Canevari: That needs to be addressed. The other question I have, I don't if it was your Board or whoever, but the only other access we had into our development was an easement that went from Wickham Knolls to Airport Road. That would have been able to allow the access to all the fire equipment. We show up one day, you guys approved a woman to buy an easement and shut us down.

Mr. Astorino: That was not us.

Dawn Canevari: I don't know who it was. What I am saying is that we were never told.

Mr. Astorino: Is that where that other water plant is going through Airport Road? That was Town property.

Dawn Canevari: No. That was the sandpit. It was called the sandpit. That was our only other access in and out. We weren't told about that at all. Now, we get a notice in the mail that this property that has been there for as long as I have, I use to build forts. I use to kiss my boyfriends in there. You are messing that up for the younger kids now. There are many impacts that will affect our development. It really has to be looked at.

Mr. Astorino: We will.

Dawn Canevari: We have to be notified on a weekly basis where the progress is.

Mr. Astorino: Let me stop you right there. Every application is on the Town's website. You could call our Planning Board Secretary. She will update you.

Dawn Canevari: You cannot keep us in the dark.

Mr. Astorino: We are not keeping anybody in the dark.

Dawn Canevari: We have a fence being built in Wickham Knolls. We had no idea of that. All of a sudden they show up in my backyard building a fence.

Mr. Astorino: That is a Town Board issue.

Dawn Canevari: That is crap. We are feeling the same way. I am glad you are here. I know you will take a look at this really hard.

Mr. Astorino: We did notify as per law. That is why you are all here this evening.

Dawn Canevari: You only gave us 2 weeks' notice. It wasn't adequate timing.

Mr. Astorino: There is a provision in the Code when the mailings have to go out. Obviously, you received them. That is why you are here.

Dawn Canevari: That wasn't adequate timing.

Mr. Astorino: This public hearing will be adjourned. There will be another public hearing.

Dawn Canevari: Ok. Thank you.

Mr. Showalter calls from the signup sheet Stan and Jean Selmon from Shepard Road to come up to the Planning Board to address the WWC/Pankin application.

Stan Selmon: How many people on this Board live next to a warehouse?

Mr. Kowal: I do.

Zen Wojcik: I do.

Stan Selmon: What I usually find out with Planning Boards is that they would allow warehouses go into other developments. But, if you look at the people who are on the Planning Board don't live next to warehouses most of the time. In this particular case, I see that it is a different story.

Mr. McConnell: I live next to the High School where they built a 500-car parking lot in my backyard after I bought the property. Don't think we are not sensitive to all of these issues that you are raising. We have to follow the code not follow necessarily what our hearts want, and then we would be in court. To stand there and say that this one lives in a multi-million dollar home, I live next to a 500-car parking lot that wasn't there when I bought the property.

Stan Selmon: I understand what you are saying. I know what goes on with other towns.

Mr. McConnell: This Town sticks to this plan.

Mr. Astorino: We don't have the authority to change the code. We have a Zoning Code that we have to follow.

Stan Selmon: For years now, and I have been living there 32 years, they have always considered that land not buildable because it always flooded out. The road floods out. It has flooded out many times. By them building the warehouses, what would that do to the water situation?

Mr. Astorino: That was something we discussed from the beginning.

Stan Selmon: I always had a major water problem on my property. I wound up suing the Town. The Town had to fix it. I know quite a bit about 100-year floods and what has to be done. What you are saying, it will not work.

Mr. Astorino: That is why we have engineers on our Planning Board.

Stan Selmon: You said that you are here to protect us. What happened when Kings Estates built that big water tower and it was built bigger than what it was supposed to be? They basically said sue us. The Town couldn't sue them. They didn't have the money to sue them.

Mr. Astorino: That was before this Board's time. I can't comment on something that I don't know nothing about.

Mr. Selmon goes on about water and drainage problems. He also discusses issues about wildlife and the DEC. He has concerns about endangered species located at the site. Mr. Astorino states to Mr. Selmon that the DEC has been contacted and if there are any endangered species of concern on the site, the DEC would know about it.

Mr. Showalter calls from the signup sheet Glenn Milner from Grissom Street to come up and address the Board on the WWC/Pankin application.

Glenn Milner: I have a question about the stormwater runoff. Would there be a study done to see if our Sewer Department could handle that?

Mr. Astorino: Do you mean what goes into the sewer itself or do you mean the stormwater?

Glenn Milner: I am talking about the stormwater.

Mr. Astorino: That doesn't go into the sewer.

Glenn Milner: Ok. We live on the corner of Grissom Street and Shepard Road. I am asking about the stormwater.

Mr. Astorino: There will be a full Stormwater Pollution Prevention Plan (SWPPP) prepared. The SWPPP will be prepared by the applicant and reviewed by our engineers to make sure it is done properly.

Glenn Milner: Ok.

Mr. Astorino: Zen, could you briefly give a comment on the SWPPP?

Zen Wojcik: The SWPPP is regulated by the State. Every development that would disturb more than an acre of land has to have done a Stormwater Pollution Prevention Plan (SWPPP). No more water could come off the site after it is developed than what was coming off the site before it was developed.

Glenn Milner: Ok.

Zen Wojcik: Typically, when it is designed there is a little leeway given in there so that there would be less water coming off after it is developed than before. There would be a pond or some other sort of stormwater management facility that would detain or retain the water. It actually slows it down. It would come off at a regulated rate that would mimic what was there previously. Some of the questions that we were asking were to the nature of how this flow would be going and where it would be directed.

Glenn Milner: Ok. We are all neighbors. We always based Warwick on the quality of life. We are all looking out for each other. Please consider our concerns.

Mr. Astorino: Ok. Thank you.

Mr. Showalter calls from the signup sheet Michael McGar from Grissom Street to come up and address the Planning Board on the WWC/Pankin application. Michael McGar had no comment. Mr. Showalter call next from the signup sheet Beth Renart from Shepard Road to come up and address the Planning Board on the WWC/Pankin application.

Beth Renart: When trucks pull in, they don't easily make a right hand turn. They pull off from Kings Highway to Lake Station Road. They would have to bank left a little bit then a right. Would you widen the road to accommodate that? It is a very narrow area.

Mr. Astorino: We will check that out.

Beth Renart: There have been many accidents there. The trucks make wide turns.

Mr. Astorino: Zen, you could measure that intersection to see what is out there.

Beth Renart: Where would these trucks be washed?

Mr. Astorino: If the applicant requests washing of vehicles, that would be another issue.

Beth Renart: I know construction. They don't get washed at the sites.

Mr. Astorino: Washing would be a whole another issue. We will bring that question up to the applicant.

Beth Renart: Ok. Thank you.

Mr. Showalter calls from the signup sheet Paul Sassano from Grissom Street to come up and address the Planning Board on the WWC/Pankin application. Paul Sassano had no comment. That is it from the signup sheet.

Mr. Astorino: Is there anyone else who had not sign their name on the signup sheet who would like to address the Board on the WWC/Pankin application?

Mary Watson: I thought I heard somebody say when this was changed from farmland to industrial commercial. Did somebody say that happened in the 1960's?

Mr. Astorino: I am not sure when the designation was made.

Mary Watson: We were never notified when it was changed. Didn't we have to be notified when it changed to commercial?

Mr. Astorino: That would be a Town Board question.

Mr. Bollenbach: Prior to the year 2002, it was zoned manufacturing. In 2002, the Town had done some major zoning overhauls. There were extensive public hearings over the course of a year or more.

Mary Watson: I never received a letter.

Mr. Bollenbach: It was in the official newspaper, Dispatch. It was posted on the Town's website. There was ample notification. At that time, the Town Board adopted Design Guidelines which were to try to minimize the impact of any type of commercial developments in the proximity of residential areas. At that time, the Town had down scaled the zoning. They changed it to Office/Industrial (OI zone). The OI zone is a lesser intensity use than what it was previously when it was manufacturing.

Mary Watson: Thank you.

Mr. Astorino: Is there anyone else wishing to address the WWC/Pankin application?

Joe Pagano: I live on Grissom Street. How much of the 200 feet would be the screening?

Mr. Astorino: The screening would be to mitigate it to soften it.

Joe Pagano: Would it be 200 feet of screening?

Mr. Astorino: No. They are not going to put a forest in. There will be screening mitigation of plantings to our Town Planner's specifications.

Mr. Bollenbach: It will depend on the Visual Analysis. On certain portions, it might be more effective closer to a property line. Other areas might be more effective further away from a property line. Ted, could you explain?

Mr. Fink: When a Visual Analysis is done, what they do is take the topography which is shown on these maps to dimensions. What they do is create an elevation. It allows you to be able to visualize the topography together with what the buildings would look like on this topography. Then, they would do profiles from specific points. We will ask the applicant to prepare line of sight profiles for us for a number of different points. It would say whether or not there was topography that would screen it, or whether or not it needs to be supplemented by additional landscaping.

Mr. Astorino: Is there anyone else wishing to address the WWC/Pankin application?

Steve Laugier: I live on Park Drive. I have 25 years of experience in the industry of financing real estate. When I moved up here, I was looking for a quality of life. Right now, I am not feeling the quality of life when I have something that looks like an incarceration on my block with a fence going up. Now, I will have an industrial warehouse right around the corner. What will happen to my property value? What will happen to all of our property values?

Mr. Astorino: We have to follow the zone that is there. From what I understand, that has been zoned manufacturing since the 1960's. With that being said, and the comments we heard this evening, the Board will do a site visit. We will make our best determination at that time.

Steve Laugier: From my experience, our property values will drop.

Mr. Astorino: When you bought your home, you were involved in this real estate business. Is that correct?

Steve Laugier: Correct.

Mr. Astorino: Did you research the surrounding area to find out that this was commercial property at that site.

Steve Laugier: No. There was farmland around that property.

Mr. Astorino: It was zoned commercial. You came in at what time?

Steve Laugier: Just like what the last woman said about farmland. I never heard about it being zoned commercial.

Mr. Astorino: It was always manufacturing. When Wickham Knolls was built, that was manufacturing. Manufacturing was a higher intensive use than this OI zone. Before Wickham Knolls was built, I think this was still manufacturing. John, is that correct?

Mr. Bollenbach: I believe so.

Mr. Astorino: That would be something we could check on. I believe it was.

Steve Laugier: That was about 15 years ago.

Mr. Astorino: It was more than that.

Steve Laugier: From my experience, this will take an effect on all of our properties. Right now, this fence makes me feel like I am living in an incarceration.

Mr. Astorino: That did not go through this Board.

Mr. Bollenbach: What is he referring to?

Mr. Astorino: He is referring to the airport fence. That is not us.

Steve Laugier: You call it homeland security, but I could walk through the front door.

Mr. Astorino: We will not get into homeland security fencing tonight. Is there anyone else wishing to address the WWC/Pankin application?

John O'Rourke: I am a contractor. I am familiar with what goes on here. A mile down the road on Gibson Hill there is the Chester Industrial Park. Why can't this go in there? I worked on plenty of people's houses. I am familiar with the whole PDR thing that Warwick has money in the bank. Why can't Warwick purchase this land?

Mr. Astorino: That would be something to bring up to the Town Board. The Town cannot force an applicant or landowner to go into this voluntarily program. You could call the Supervisor to express your opinion on that. That would be up to the applicant if he wished to do that. That is not our call.

John O'Rourke: Ok. I would like to see that PDR gets mentioned.

Mr. Astorino: You had just done that. Is there anyone else wishing to address the WWC/Pankin application?

Anna Marie Dickson: Mr. Pankin who owns the property will be selling it to Mr. Majewski. Does he have to abide by the same regulations?

Mr. Astorino: Yes. Whatever is on the maps, he would have to abide by. Is there anyone else wishing to address the WWC/Pankin application?

Charles Gilmore: My wife spoke earlier. We live on Lake Station Road. I would like to have their entrance moved 50 to 100 feet towards Kings Highway. The problem is, there is a blind spot. This project's entrance is right across from our house.

Mr. Astorino: We will take a look at that at the site visit. We will look at the sight distance.

Charles Gilmore: It would be a benefit to them and us. Thank you.

Mr. Astorino: Is there anyone else wishing to address the WWC/Pankin application?

Glenn Milner: At full capacity, do you know how many trucks you are talking about?

Mr. Astorino: We have asked the applicant to provide us with that information.

Glenn Milner: 50,000 square feet of warehouses is considerable.

Mr. Astorino: Is there anyone else wishing to address the WWC/Pankin application?

Jeanne Petty: I have a question for your engineer. He stated according to State regulations, you would have to do a SWPPP that would determine the water leakage would be the same as before and after.

Zen Wojcik: It would be the same amount of water or less after than before.

Jeanne Petty: How could that be possible when you would be losing the vegetation?

Mr. Astorino: That is why we have to review it. This is not the first one we have seen. We are not unfamiliar with it.

Jeanne Petty: Ok.

Mr. Astorino: Does anybody have any further questions?

Beth Renart: Who will be watching the security of this facility to keep the children away from here?

Mr. Astorino: As far as what?

Beth Renart: They are kids. They will wonder in the woods. These are not safe pieces of equipment going in here. They will want to come in.

Mr. Astorino: I am sure the applicant would like to make sure their equipment wouldn't be vandalized or kids getting hurt on it. I am sure that would be something they would address as far as locking their facility.

Beth Renart: What about the stuff that is supposed to be outside?

Mr. Astorino: We don't have a plan for that. That is yet to be determined. Is there anyone else wishing to address the WWC/Pankin application? Let the record show no further public comment. Could I get a motion to adjourn the public hearing either without date or to a date?

Mr. Bollenbach: I was thinking about the Board adjourning the public hearing to the June 17, 2009 Planning Board meeting.

Mr. Astorino: Do you have the application to the Town Board?

Mr. Bollenbach: The application is before the Town Board. It is tentatively scheduled for May 28, 2009. That would coincide with our second Planning Board meeting on June 17, 2009.

**Mr. McConnell makes a motion to adjourn the Warwick Water Corp./Evan Pankin Public Hearing to the June 17, 2009 Planning Board meeting.**

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

Mr. Astorino: To the residents, the public hearing has been adjourned to the June 17, 2009 Planning Board meeting. There will be no other notices sent out. This is your notice. You could call our Planning Board Secretary. The Planning Board Agenda will be posted on the Town of Warwick's website. The public hearing will continue on June 17, 2009 at 7:30 p.m. here at the Town Hall. Planning Board members, when do you want to schedule a site visit? We could do the site visit on Monday, May 11, 2009 at 6:00 p.m. before the Work Session.

The Planning Board members were ok with scheduling the site visit for Warwick Water Corp./Pankin scheduled for Monday, May 11, 2009 at 6:00 p.m. before the Work Session.

**PUBLIC HEARING OF Norma Jean Fusco**

Application for Preliminary Approval of a proposed 12-Lot + 1-Affordable Home cluster subdivision and Special Use Permit for the Affordable Home, entitled, ***Fusco Subdivision***, situated on tax parcel S 18 B 1 L 31.2; parcel located on the southern side of Taylor Road with Jessup Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York.

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

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

Mr. Astorino: Thank you.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
  - A. Locate and identify the diameter and species of isolated trees with a caliper of 12” or greater within the area of disturbance.
  - B. Much of the proposed developed area is within the Wheeler/Stony Creek Biodiversity Area, identified by the Metropolitan Conservation Alliance “Southern Wallkill Biodiversity Plan”. Applicant to analyze how the proposed development is consistent with the Plan’s recommendation to minimize impacts on wetland and streamside habitats in this parcel, to the Town Planner’s specifications.

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. Applicant to provide a response to the “11 questions” explaining how the proposed cluster development will benefit the Town and meet the objectives of the Comprehensive Plan.
5. Applicant proposes a Town Road. Applicant may consider a private 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 before final 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. Board and applicant to discuss Notes 10 and 11 regarding drainage easements and responsibility for maintenance of Stormwater Management facilities.
9. Provide a drainage easement for the Bioretention Area (Lot 5) discharge onto Lot 1.
10. Reference to Sheet 9 for rain garden details (on Sheet 5) should be revised.
11. Provide a detail stating and showing that there shall be no development (excavation, fill or paving) within the drip line of significant trees identified on the plan. (See comment 1A.) Concentrated stormwater runoff shall not be directed at these trees. Show the location of street trees and call-out the species (at least two, different native species).

**SWPPP COMMENTS (SWPPP REPORT 10/14/08, REV. 4/09)**

12. No Further Comments.

**WELL TESTING & MONITORING**

13. FOR THE RECORD - The Town Engineer has been contacted by the applicant's professional and well testing to determine on-site yield, to test water quality, and to determine the extent, if any, of connectivity to existing wells within 1000-feet of the parcel will commence shortly.

**BEFORE FINAL APPROVAL:**

14. 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.
15. 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.
16. 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.
17. Propose a road name for the town road. Applicant to provide 9-1-1 addressing.
18. Pay parkland fees.
19. Pay Landscape Maintenance Bond (street trees, SWPPP landscaping) for period of 3 years.
20. Pay Performance Bond and construction inspection fee for public improvements (road, stormwater management facilities, and erosion control measures).
21. Pay outstanding review fees.

The following comment submitted by the Conservation Board, dated 5/6/09:

Normajeane Fusco - The CB believes the proposed open space configuration severely compromises the objective of open space preservation. Creating a narrow strip of open space that adjoins nearly every residential lot presents severe challenges to the monitoring of the open space and in effect can lead to the expansion of each lot owner "perceived" property area. The CB believes that unless the plan calls for permanent boundary markers on each lot that adjoins open space, together with a mandatory plan for effective monitoring, this configuration will be an invitation to violate the open space restrictions. The plan should also identify the open space area of the adjoining Panoramic Farms project so as to create contiguous open space parcels. The CB is also concerned about water issues given this project is adjacent to Hampton Hills (which presented water challenges some time ago) as well as Panoramic Farms. The CB recommends the PB require additional test wells to determine the quantity of water available and the effect on existing residences in the general area. Finally, the CB recommends the biodiversity area(s) be clearly delineated so as to determine whether this project will require an EIS.

The following comment submitted by the ARB, dated 5/6/09:

Normajeane Fusco – The ARB has no comment.

Comment #1: Board to discuss SEQR.

Mr. Fink: The Planning Board has been reviewing this application with the long extended EAF. We had asked the applicant to provide us with some information about compliance with the project with the cluster regulations. We also asked the applicant to provide us with some additional information about the Southern Wallkill Biodiversity Plan. There are some other comments that relate to well testing and so forth. That was one of the purposes for the public hearing tonight. We wanted to get input from the public on the well testing program.

Mr. Astorino: Ok.

- A. Locate and identify the diameter and species of isolated trees with a caliper of 12” or greater within the area of disturbance.

Dave Higgins: Will do.

- B. Much of the proposed developed area is within the Wheeler/Stony Creek Biodiversity Area, identified by the Metropolitan Conservation Alliance “Southern Wallkill Biodiversity Plan”. Applicant to analyze how the proposed development is consistent with the Plan’s recommendation to minimize impacts on wetland and streamside habitats in this parcel, to the Town Planner’s specifications.

Dave Higgins: We believe it is consistent with the Southern Wallkill Biodiversity Plan. We will provide a narrative to outline that.

Mr. Fink: Within the plan, there are specific recommendations that they make. One of them is the cluster. There are other recommendations as well. Dave, you could give me a call. We could go over that to make sure you get all the basis covered.

Dave Higgins: Will do.

Comment #2: Applicant to discuss project.

Dave Higgins: We have been in front of the Planning Board with this project for some time. It has gone through some minor evolution of it over the course of the last several months. We were here a couple months ago. We requested at that meeting for the Board to schedule a public hearing. We will go through a brief presentation of the project once you open the public hearing.

#### **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: Applicant to provide a response to the “11 questions” explaining how the proposed cluster development will benefit the Town and meet the objectives of the Comprehensive Plan.

Mr. Astorino: You have done that.

Dave Higgins: Yes.

Zen Wojcik: Mr. Chairman, in regards to the 11 questions for cluster subdivision that Dave has provided, I have a question on one of the responses to question #3. Question #3 asks; *Will the cluster subdivision protect areas of the Town with productive agricultural soils for*

*continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations?* The modifications that were made recently to this plan about having a large open space available for farm operation, I was wondering if the applicant could tell us if the soils in the agricultural open space, if they are suitable for future farm operations.

Dave Higgins: I know from speaking with the owner and checking with the soils map, Orange County Soil Survey that the soils are not listed as your prime Class 1, 2, or 3 soils. They are higher up on the classification chart.

Mr. Bollenbach: But, they are primarily soils of statewide significance. You might want to contact Larry Larsen from Soil & Water Conservation Service in Middletown. He would be glad to give you those calculations.

Dave Higgins: Ok.

Mr. Astorino: Zen, what are you talking about? Are they the soils connected to the farmstead property?

Zen Wojcik: Yes. Those are the soils that are being preserved for agricultural use. I know that there are some steep slopes and wetlands located there. It doesn't respond to this particular question. We need some clarification on that.

Mr. Astorino: Ok. It is something that needs to be checked on.

Mr. Bollenbach: Give Larry Larsen a call.

Dave Higgins: Ok.

Comment #5: Applicant proposes a Town Road. Applicant may consider a private road. Board to discuss referral to Town Board.

Dave Higgins: When we started this project, we proposed a Town road. At the last meeting, we were advised that the Town Board is opting to go away from taking over cul-de-sacs.

Mr. Astorino: Yes. You could discuss that with the Town Board. If you want to pursue it, you could try. If the Board wants to give a recommendation, that could be something we could do at that time.

Dave Higgins: We would prefer it to be a Town road. If the Town doesn't want to accept it as a Town road, then we would go with a Private road.

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 before final approval.

Dave Higgins: Will do.

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: Will do. We will update that.

Comment #8: Board and applicant to discuss Notes 10 and 11 regarding drainage easements and responsibility for maintenance of Stormwater Management facilities.

Mr. Bollenbach: Dave, could you read Notes 10 and 11?

Dave Higgins: Yes. Note #10 states as follow; *“Drainage easements within lot 5 in favor of the Town of Warwick. The Town shall have the right but not the obligation of entering upon the easement for the purpose of maintaining the drainage facilities. The responsibility of maintain the drainage facilities within the easement shall be that of the owner of lot 5.”* Note #11 states as follow; *Drainage easements within lot 2 in favor of the Town of Warwick. The Town shall have 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.”*

Mr. Bollenbach: That will go in conjunction with comment #5 as to whether or not this is a Private road. If it is a Town road, something with those notes that you have there may be adequate. However, it if is going to be a Private road, you might have to have some kind of a Home Owners Association or Agreement for the maintenance of the road. It would also include those drainage facilities. It is something to be discussed.

Dave Higgins: That would be something we could work out.

Comment #9: Provide a drainage easement for the Bioretention Area (Lot 5) discharge onto Lot 1.

Dave Higgins: I wasn't sure why we needed an easement. The discharge is still on lot 5 for that.

Zen Wojcik: It is directed off lot 5 onto lot 1. If there is any stormwater traveling from one parcel to another parcel, then its needs an easement. It needs to be maintained. If it gets blocked, it could affect the stormwater management facility. If it is not properly maintained, it could cause erosion on the other lot.

Dave Higgins: Ok. We could add the easement.

Mr. Bollenbach: That way lot #1 doesn't have some type of a nuisance complaint against lot #5. It just cleans things up.

Dave Higgins: Ok.

Comment #10: Reference to Sheet 9 for rain garden details (on Sheet 5) should be revised.

Dave Higgins: Will do.

Comment #11: Provide a detail stating and showing that there shall be no development (excavation, fill or paving) within the drip line of significant trees identified on the plan. (See comment 1A.) Concentrated stormwater runoff shall not be directed at these trees. Show the location of street trees and call-out the species (at least two, different native species).

Dave Higgins: Will do.

### **SWPPP COMMENTS (SWPPP REPORT 10/14/08, REV. 4/09)**

Comment #12: No Further Comments.

### **WELL TESTING & MONITORING**

Comment #13: FOR THE RECORD - The Town Engineer has been contacted by the applicant's professional and well testing to determine on-site yield, to test water quality, and to determine the extent, if any, of connectivity to existing wells within 1000-feet of the parcel will commence shortly.

Zen Wojcik: I understand the letters went out to notify the people.

Mr. Astorino: I have another one here on the signup sheet from this evening. Tim and Daurier Krebs, 8 Taylor Road. I don't know if a letter went out to them. I will give you their name and address. You might want to contact them. She might be talking to Connie about it. She had to leave earlier this evening, so she left her name and address.

Dave Higgins: They are interested in having their well monitored.

Mr. Astorino: Yes.

Dave Higgins: Ok.

### **BEFORE FINAL APPROVAL:**

Comment #14: 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.

Mr. Astorino: If it becomes a Private road, I am sure there would be other ones.

Mr. Bollenbach: Yes.

Comment #15: 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: Ok.

Comment #16: 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.

Dave Higgins: Will do.

Comment #17: Propose a road name for the town road. Applicant to provide 9-1-1 addressing.

Dave Higgins: Will do.

Comment #18: Pay parkland fees.

Dave Higgins: Will do.

Comment #19: Pay Landscape Maintenance Bond (street trees, SWPPP landscaping) for period of 3 years.

Dave Higgins: Will do.

Comment #20: Pay Performance Bond and construction inspection fee for public improvements (road, stormwater management facilities, and erosion control measures).

Dave Higgins: Will do.

Comment #21: Pay outstanding review fees.

Dave Higgins: Will do.

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

Mr. Singer: Yes. Regarding the shared driveway going to lot 12 and lot 13, why go through steep slopes? It is about 25% slope. Couldn't you avoid that?

Dave Higgins: We are going up that slope sideways so that the slope of the driveway is less. If you went straight up, you would be going up a 25% slope. By going sideways, you could maintain that maximum grade on your driveway to be below 10%.

Mr. Singer: Ok.

Dave Higgins: There is a profile for that shown on one of these sheets.

Mr. Astorino: Do any Board members or Professionals have anything further? This is a public hearing. If there is anyone in the audience wishing to address the Normajean Fusco application, please rise and state your name for the record.

Mr. Bollenbach: I just want to make a comment to the public. This public hearing will not be closed. The Board will not be taking any action this evening. Everyone will have an additional opportunity for a continued public hearing. That would be pending the well testing the evaluation and analysis of those results. Perhaps at that time once we get the results, we could then schedule another public hearing to continue the process.

Mr. Astorino: Is there anyone wishing to address the Board on the Normajeau Fusco application?

John Galiski: I live on Jessup Road. In reference to the well testing, we went through all this with the Hampton Hill project. We are very familiar with it. Why only one well?

Mr. Astorino: It is for the number of lots.

John Galiski: In reference to the Hampton Hill project, they had two wells required and then a third well required.

Mr. Astorino: We required that. This is required by OCHD.

John Galiski: Yes.

Mr. Astorino: We will see what happens here. If it winds up being the same scenario as Hampton Hill, we could do the same thing.

John Galiski: Ok.

Mr. Bollenbach: It is generally one well for each 10 lots. We will see what the results are. According to the water protocol, if there are some difficulties, there might have to be an additional well done. With Hampton Hill, the way that was going, it might have to be a well for each lot. It is done on case-by-case basis.

John Galiski: Ok. In reference to the wetlands, the wetland goes right up to the edge of my lot. On the contours of a USGS map, you will see that the contours show a ditch that extends from the back of my lot right into this other lot. Who will be responsible to see that this ditch is maintained through this lot?

Mr. Astorino: Is that wetlands that you have pointed out?

John Galiski: Where my finger is pointing right now, that is wetland. They cannot touch that ditch.

Mr. Astorino: No.

John Galiski: Eventhough they have already. They cleaned this whole ditch up right through the wetland. They are digging in there. They have cleaned brush out of it. They have excavated the ditch out. I don't know what they had done down below. I couldn't see. If I went to look, I would be trespassing. All of this drains in a way that it goes to the back of my lot. That ditch has existed there forever.

Mr. Astorino: Dave, is that wetland where Mr. Galiski has pointed out?

Dave Higgins: Looking at the map, the wetland is located here. Then, there is a wetland corridor that goes through there. Where they cross that, they are doing that with culvert pipes that have been designed and analyzed.

Mr. Astorino: So, no matter what, they cannot touch that or fill that in.

Dave Higgins: They cannot. It has to be regulated by the ACOE.

Mr. Astorino: No matter what, even that lot owner cannot fill that parcel.

John Galiski: That was what I wanted to know. I wanted to know if there was something to stipulate that they could not do that.

Mr. Astorino: Yes. We could add a map note to that effect especially for those lots that adjoin that corridor.

Mr. Bollenbach: Dave, maybe you could put a map note to reference that.

Dave Higgins: Ok.

Zen Wojcik: Mr. Chairman, this is also part of that area that Mr. Fink had asked for a study of the Biodiversity area. It is also part of that Biodiversity area preservation of the stream. It is important.

Mr. Astorino: But, it is part of the ACOE wetlands. It cannot be touched regardless.

John Galiski: Would certain permits be required from the DEC?

Mr. Astorino: Ted, did we send Karen out to delineate the wetlands on this project or was it ACOE?

Mr. Fink: This is just ACOE wetlands.

Dave Higgins: Yes.

John Galiski: The driveways go right through the wetland.

Mr. Astorino: As long as they don't disturb more than a certain amount of acreage.

Dave Higgins: You are entitled to a General Permit where the ACOE are entitled to 1/10<sup>th</sup> of an acre which is 4,356 square feet. Right now, it is proposed right around 3,000 square feet. We are below that threshold. It is a General Permit. You are entitled to that by right.

John Galiski: Will there be culverts in there?

Dave Higgins: Yes. They have been sized in accordance with drainage study that was done. The Town Engineer has reviewed all of the hydraulic analysis for those pipes.

John Galiski: Now, we are just waiting for the water tests.

Mr. Astorino: Yes.

John Galiski: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Normajeau Fusco application?

Glen DeJong: I live on Jessup Road. With our lot, we have a culvert that runs across the street and under Jessup Road. We directed it. It has been there since we purchased the property. It then runs out to the back to these lots. What type of assurance would we get to say that it would not change the contours of where it traps the water? Our property is higher than what is behind.

Mr. Astorino: Is that the wetlands behind you where that water drains into?

Glen DeJong: Looking at the map, my lot is on the corner. There is a culvert that runs here out to this area.

Mr. Astorino: That runs under a Town road.

Glen DeJong: Right across the street, there is a culvert. Underneath the road, a 15" culvert pipe runs through it. We always had it run. My fear is having someone come in and block it.

Mr. Astorino: They cannot block it.

Glen DeJong: Then, it would come down to me making a phone call.

Mr. Astorino: You could make a call to the Town of Warwick DPW. You cannot block an active culvert pipe.

Glen DeJong: It is not an active culvert pipe where it crosses and intersects. It is a drainage channel.

Zen Wojcik: That is open space over there.

Mr. Astorino: Ok. Then, nothing could be done there.

Mr. Bollenbach: There are things that could be done in the open space. Perhaps, we could have a map note.

Mr. Astorino: We could add a map note that the channel would have to stay in place.

Glen DeJong: We need it to be able to drain. If not, it will flood out my property.

Mr. Astorino: What you are saying is that they can't come in and disturb that channel.

Glen DeJong: Once a year, they come in and mow this area.

Mr. Astorino: That hasn't affected that. Is that correct?

Glen DeJong: No.

Mr. Astorino: Dave, maybe you could add a map note stating that the channel cannot be altered in any way.

Dave Higgins: We will put a note on the plan. The area of the map that Mr. DeJong is talking about is 20 feet higher than the wetlands. It will not affect where you are.

Glen DeJong: When the guy across the street built his house, all the water comes down fast. It runs down and it meets this channel that we created. It will be affected at some point.

Mr. Astorino: We will add a note stating to keep the channel open.

Glen DeJong: Are there Federal protected wetlands on this piece?

Mr. Astorino: Yes.

Glen DeJong: On the Hampton Hill property, it was stated what would be the open space because there was so much wetland, but on this property, we could cross it.

Mr. Astorino: They could cross by right as long as they stay under the threshold.

Glen DeJong: When they were digging the ditch, we did question it and called the Town. One of the answers I received was to go out and ask them what they were doing. I wasn't comfortable with that. That would only lead to the Police coming out because of trespassing.

Mr. Astorino: What agency did you talk to in the Town? Did you talk to the Building Department?

Glen DeJong: Yes.

Mr. Astorino: I would definitely give the Building Department a call to have one of the inspectors go and check it out.

Glen DeJong: I was recommended to call the ACOE. We did call the ACOE. We never heard back from them. We left a message on the voicemail. They never returned our call. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Normajean Fusco application? Let the record show no further public comment.

Connie Sardo: Mr. Chairman, we have a comment from the Conservation Board, dated 5/6/09. The ARB had no comments.

Mr. Astorino: We will have to adjourn the public to another date.

**Mr. McConnell makes a motion to adjourn the Normajean Fusco Public Hearing to the July 15, 2009 Planning Board meeting.**

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

Mr. Astorino: For the residents that came out for the Fusco public hearing, the next public hearing will be on July 15, 2009. There will be no other notices mailed out to you. This is your notice.

**Review of Submitted Maps:*****Douglas Tinnirello Subdivision***

Application for Sketch Plat Review of a proposed 3-Lot cluster (Minor) subdivision, situated on tax parcels S 49 B 1 L 56 and L 45.42; parcels located on the southeast side of NYS Route 94 1000 feet southwest of Wawayanda Road, in the RU zone, of the Town of Warwick. Previously discussed at the February 18, 2009 Planning Board meeting.

Representing the applicant: Rusty Tilton from New Horizon Engineering.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
  - A. Revise species of screening plantings to another coniferous tree (i.e. spruce).
2. Applicant to discuss project.
3. Discuss site visit.

**YIELD PLAN: (DATED 10/15/07, LAST REV 4/13/09)**

4. The title of the Bulk Table should be revised. A Yield Plan is not a conventional subdivision plan.
5. On sheet 6 of 6, place "NOT FOR CONSTRUCTION" under the titles "Proposed Road Profile (Yield)" and "Yield Plan Details".

**CLUSTER PLAN: (DATED 10/15/07, LAST REV 4/13/09)**

6. FOR THE RECORD – The consensus of the Board at the February 18, 2009 meeting was that the application complies with the Town Code criteria for Cluster Subdivision, based on the Board's review of submitted plans and the applicant's response to the Board's questions.
7. Show locations of Stabilized Construction Accesses and provide a detail in accordance with the *NYS Standards and Specifications for Erosion & Sediment Control*.
8. Provide curtain drains upgradient from proposed septic systems.
9. Show the locations of roof drain / foundation drain outlets so they are not directed towards proposed septic absorption fields.
10. Provide the declaration and the recording information on the plan for Agricultural Protection Notes, Aquifer Protection Overlay Notes, Common Driveway Use and Maintenance Agreement Notes, and Open Space Conservation Notes. Private Road Notes are inappropriate for this application and should be removed from the plan. Include the preamble to the Aquifer Protection Notes, as shown in the Standard Map Notes section of the application package.
11. Pay outstanding review fees.

The following comment submitted by the Conservation Board, dated 5/6/09:

Douglas Tinnirello Subdivision – The CB has no comment.

The following comment submitted by the ARB, dated 5/6/09:

Douglas Tinnirello Subdivision - Drawings as submitted leave a great deal of question. The construction of a cul-de-sac as part of a private road to service two homes seems to be overkill and the intrusion of far too much impervious surface on sensitive lands (wetlands and conservation lands surrounding the proposed homes). The shared driveway option seems less intrusive, but is obviously designed to be able to convert to a private road and to extend at right angles to service potential future development on lands abutting the proposed development. This should be clarified at this time in order to appropriately design this significant infrastructure.

Comment #1: Board to discuss SEQR.

Mr. Fink: The Planning Board has already declared itself Lead Agency. We have been reviewing it with the short EAF. We do have a couple SEQR comments listed in the review comments tonight.

A. Revise species of screening plantings to another coniferous tree (i.e. spruce).

Rusty Tilton: Ok.

Comment #2: Applicant to discuss project.

Rusty Tilton: We were last before the Planning Board on 2/18/09. At that time, we had set up a site visit on 2/23/09. Since then, we made revisions to the plan that was requested at the 2/18/09 PB meeting. At this point, we are here tonight hoping to be set for a public hearing.

Comment #3: Discuss site visit.

Mr. Astorino: Do any Board members have any comments about the site visit?

Mr. Kowal: It was real cold outside that day.

Mr. Astorino: Ok. The Board is up to speed on that.

**YIELD PLAN: (DATED 10/15/07, LAST REV 4/13/09)**

Comment #4: The title of the Bulk Table should be revised. A Yield Plan is not a conventional subdivision plan.

Rusty Tilton; No problem.

Comment #5: On sheet 6 of 6, place "NOT FOR CONSTRUCTION" under the titles "Proposed Road Profile (Yield)" and "Yield Plan Details".

Rusty Tilton: No problem.

**CLUSTER PLAN: (DATED 10/15/07, LAST REV 4/13/09)**

Comment #6: FOR THE RECORD – The consensus of the Board at the February 18, 2009 meeting was that the application complies with the Town Code criteria for Cluster Subdivision, based on the Board's review of submitted plans and the applicant's response to the Board's questions.

Comment #7: Show locations of Stabilized Construction Accesses and provide a detail in accordance with the *NYS Standards and Specifications for Erosion & Sediment Control*.

Rusty Tilton: We will add that to the erosion & Sediment Control plan.

Comment #8: Provide curtain drains upgradient from proposed septic systems.

Rusty Tilton: No problem.

Comment #9: Show the locations of roof drain / foundation drain outlets so they are not directed towards proposed septic absorption fields.

Rusty Tilton: We will add that to the plans.

Comment #10: Provide the declaration and the recording information on the plan for Agricultural Protection Notes, Aquifer Protection Overlay Notes, Common Driveway Use and Maintenance Agreement Notes, and Open Space Conservation Notes. Private Road Notes are inappropriate for this application and should be removed from the plan. Include the preamble to the Aquifer Protection Notes, as shown in the Standard Map Notes section of the application package.

Rusty Tilton: Ok. Will do.

Comment #11: Pay outstanding review fees.

Rusty Tilton: Ok.

Mr. Bollenbach: We have a comment from the ARB, dated 5/6/09. There are no comments from the Conservation Board.

**Mr. McConnell makes a motion to set the Douglas Tinnirello application for a Final Public Hearing at the next available agenda.**

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

Rusty Tilton: We will make the changes to the yield plan and resubmit. Thank you.

***Harry and Donna Edsall***

Application for Preliminary Approval of a proposed 38-Lot cluster subdivision, entitled "***Edsall Farm***", situated on tax parcel S 2 B 2 L 35.22; parcel located on both sides of County Highway 88 and Edsall Lane, in the SL/AI zones, of the Town of Warwick. Previously discussed and set for Preliminary Public Hearing at the February 21, 2007 Planning Board meeting.

Mr. Astorino: We have received a letter from Mark Siemers from Pietrzak & Pfau Engineering, dated 5/1/09 addressed to the Planning Board. The letter is stated as follow:

*Dear Mr. Astorino:*

*Please let this letter serve as a request to re-schedule the above project from the May 6, 2009 Planning Board Agenda to the May 20, 2009 Planning Board Agenda as the applicant has a scheduling conflict.*

*I appreciate your attention in this matter. Should you have any questions or require anything further, please do not hesitate to contact this office.*

*Very truly yours,  
Pietrzak & Pfau, PLLC.*

*Mark Siemers, P.E.*

Mr. Astorino: We will accommodate them. Edsall Farm is off the agenda tonight. We will move Edsall Farm to the May 20, 2009 Planning Board agenda.

**Other Considerations:**

1. **Planning Board Minutes of 4/15/09** – Planning Board Minutes of 4/15/09 for Planning Board Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 4/15/09.

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

2. Planning Board to discuss cancelling the 5/25/09 Work Session and the 6/3/09 Planning Board meeting due to the Memorial Day Holiday.

Mr. McConnell makes a motion to cancel the 5/25/09 Work Session and the 6/3/09 Planning Board meeting.

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

**Correspondences:**

1. Memo from Supervisor Sweeton, dated 4/28/09 addressed to the Planning Board/Building Department/Professionals – in regards to Pre-Application Conference & Section 164-46B(5) Review.

Mr. Astorino: We have that in our packets.

2. Pattern for Progress Presents the 3<sup>rd</sup> Annual Housing the Hudson Valley Conference exploring the next generation of housing issues to be held on June 12, 2009, 8 a.m. – 2 p.m. at Marist College in Poughkeepsie, New York. If any Planning Board Members are interested in attending, please let PB Secretary, Connie Sardo know by May 20, 2009.

Mr. Astorino: We have that in our packets.

**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 May 6 , 2009 Planning Board meeting.**

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