

TOWN OF WARWICK PLANNING BOARD
May 20, 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 20, 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 Saint Stephens Roman Catholic Church

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

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

Connie Sardo: Mr. Chairman, I have just received the certified mailings for the Saint Stephens public hearing.

Mr. Astorino: Thank you.

1. Board to discuss SEQR.
 - A. Board to discuss Lead Agency.
2. Applicant to discuss project.
3. Applicant to discuss landscaping.
4. Revise the stone size – note 1 of the Gravel Construction Blanket Detail – to 1-4 inch stone, per the *NYS Standards*.
5. Place the following notes on the plan: “No food preparation.” And “Onsite water is not to be used to irrigate the fields.”
6. Provide the declaration and the recording information on the plan for Agricultural Notes and Aquifer Protection Overlay Notes.
7. Provide a copy of the submitted NOI.
8. Pay outstanding review fees.

The following comment submitted by the Conservation Board:

Saint Stephens Roman Catholic Church – None submitted.

The following comment submitted by the ARB:

Saint Stephens Roman Catholic Church – None submitted.

Comment #1: Board to discuss SEQR.

A. Board to discuss Lead Agency.

Mr. Fink: The Planning Board a while ago declared its intent to be Lead Agency on this application. We had done a coordinated review on this application. The Village of Warwick Board of Trustees was an involved agency. This is a Type 1 Action. The applicant had prepared for us a Full EAF. We mailed out a letter to the Village asking that the Planning Board serve as Lead Agency. I don't believe we have received a reply to that. The 30 days has past. The Town of Warwick Planning Board automatically becomes Lead Agency on this application. There were a couple of issues related to storm water management. We had some questions regarding the use of water on the site. The Village has preliminarily approved the use of water from a water supply line that is located on West Street Extension so that a water fountain could be provided on the site. The other issue is that the property involves prime soils in an Ag District. I was able to confirm that eventhough there was going to be re-grading of the site that there would be balanced cuts and fills on the site so that any soils that are on the property would remain on the property. Those soils will not be removed. I have addressed all of these issues in a Draft Negative Declaration.

Comment #2: Applicant to discuss project.

Dave Getz: The proposal is for a new soccer field and softball field. It is within an area that has been used for agricultural for many years. We also propose a parking area with a gravel surface, a storage shed, and some gardens. It would not be intended for the general public. It would be for the use of Saint Stephen's school for their use only.

Comment #3: Applicant to discuss landscaping.

Dave Getz: A while back, we added some shrubbery at the end of the parking area to help screen potential light spill over towards West Street. In addition to that, there is evergreen screening proposed on the two sides near Dr. Scharffenberger's office. There is also a landscape berm proposed along the side of County Route 1A.

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

Dave Getz: Ok.

Comment #5: Place the following notes on the plan: "No food preparation." And "Onsite water is not to be used to irrigate the fields."

Dave Getz: Ok.

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

Dave Getz: Will do.

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

Dave Getz: Ok.

Comment #8: Pay outstanding review fees.

Dave Getz: Ok.

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

Mr. McConnell: I have a couple comments. The heading for this application on the agenda, I am questioning the 125 feet north of West Street. I am confused. This project is located on West Street Extension not West Street. I don't see how it is 125 feet north of that judging by the compass heading on the map. I believe that needs to be changed so that it is accurate.

Dave Getz: That would refer to the proposed driveway entrance. You are right regarding the project itself has frontage directly on West Street, St. Stephens Lane, and Count Route 1A.

Mr. McConnell: It is not West Street. It is West Street Extension. There is a difference between them.

Dave Getz: Ok.

Mr. Astorino: We will change that to West Street Extension.

Mr. McConnell: My second comment is in regards to the showing of the portable toilets on the site plan. Is it the intention to leave those portable toilets there all the time? Are they only going to be there for a certain part of the year? If they were going to be located there all the time, I would think we would want to include some screening for the portable toilets. They are not an attractive sight. I don't know what we would want to do with that.

Mr. Astorino: I assume they would be there for a couple months.

Mr. McConnell: I think so also. Do we want to ask the applicant to provide some sort of screening? We know that they would need to be able to get into the Portable toilets in order to clean them and remove them. It would be something to consider.

Mr. Bollenbach: We could revise comment #3. Comment #3 could read; provide landscaping/screening to Town Planner's specifications.

Mr. McConnell: That would work.

Mr. Astorino: That would be fine with me. Does the Board or Professionals have anything further?

Mr. McConnell: I have another comment. I was wondering why we were putting on the map notes about no irrigation. I want to figure out why we are concerned about irrigation.

Mr. Astorino: That is coming from the Village. That is their requirement.

Mr. Showalter: I had a question about that also. It is an athletic field. It would not be good for it to dry out.

Mr. Astorino: No irrigation with the Village water. They have already said that.

Mr. Showalter: Do they have a way to provide for irrigation through their own water?

Mr. Astorino: I don't think so.

Dave Getz: Their intent is to provide water for non-irrigation.

Mr. Astorino: That would be their call. It is not our call.

Mr. McConnell: Ok. That was all the comment that I had.

Mr. Astorino: Does the Board have anything further? This is a public hearing. If there is anyone in the audience wishing to address the Saint Stephens ball field application, please rise and state your name for the record. Let the record show no public comment.

Mr. Singer makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: St. Stephens Ball Fields

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed multi-purpose softball and soccer field, Town of Warwick, Orange County, New York, and

Whereas, there are other involved agencies pursuant to SEQR, including the Village of Warwick Board of Trustees, and

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 3/24/09, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

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

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

Mr. Fink: This is a Type 1 Action. We do need to file the Negative Declaration with the Town Board, Town Supervisor, and the Village of Warwick. The copy of the notice also has to appear in the Statewide Environmental Notice Bulletin. I could take care of that. Connie, please take care of filling with the Town and Village.

Connie Sardo: Yes.

Mr. Fink: Ok.

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

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

Mr. Showalter makes a motion on the Stain Stephens Roman Catholic Church application, granting Site Plan Approval and Special Use Permit for the construction and use of a soccer and softball field, parking, and storage shed, situated on tax parcel S 42 B 1 L 35.222; project located on the eastern side of St. Stephens Lane 15 feet north of West Street Extension, in the OI zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on, May 20, 2009. Approval is granted subject to the following conditions:

1. Provide Landscaping/Screening to Town Planner's specifications.
2. Revise the stone size – note 1 of the Gravel Construction Blanket Detail – to 1-4 inch stone, per the *NYS Standards*.
3. Place the following notes on the plan: "No food preparation." And "Onsite water is not to be used to irrigate the fields."
4. Provide the Declaration and the Recording Information on the plan for Agricultural Notes and Aquifer Protection Overlay Notes.
5. Provide a copy of the submitted NOI.
6. Pay Outstanding Review Fees.

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

Dave Getz: Thank you.

PUBLIC HEARING OF Calvary Baptist Church

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

Representing the applicant: Mike Morgante from Arden Consulting Engineers. Pastor Craig Adams, Applicant. Harry Malloy, Building Chairman.

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

Mr. Astorino: Thank you.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. Note on the plan: "No construction equipment shall utilize Chancellor Lane to enter or exit the site."
4. The fire lane should be 20-feet wide.
5. On the Erosion & Sediment Control Plan, in the appropriate place in the Construction Sequencing Notes, insert a note that the rain gardens shall be constructed before the Stabilized Construction Access is removed. Provide calculations for the design of the rain gardens consistent with Chapter 9 of the NYS SWM Design Manual. Show how the rain gardens are connected to catch and treat the roof runoff.
6. In Note 1 of the Construction Specifications for the Stabilized Construction Access, change the required stone size to 1"-4".
7. Provide shielding for luminaires L3 and L4 consistent with the Town's Lighting ordinance (§164-43.4).
8. Label the existing and proposed location of the sign.
9. Add note stating: "No site preparation or construction, including utility connections, shall commence before a valid highway entrance permit has been secured from the Orange County Department of Public Works under Section 136 of the Highway Law."
10. Provide the declaration and the recording information on the plan for Agricultural Protection Notes and Aquifer Protection Overlay Notes.
11. Place the Church's 9-1-1 address on the plans.
12. Pay outstanding review fees.
13. The following items are FOR THE RECORD:
 - Applicant notes that new well will not meet Orange County Department of Health standards for public water supply wellhead protection for an NTNC water supply, and that the church/school will continue to use bottled water for drinking. A note has been placed on the plan that the abandoned well shall be sealed per County Health standards.
 - Board concurs that construction hours should be 7-7, Mon.-Sat., no holidays.
 - Proposed wallpack luminaires for the gym (luminaires L8-L11) are fully shielded fixtures, complying with the Town's Lighting ordinance (§164-43.4).

- The proposed sign complies with the requirements of the Town Code.

The following comment submitted by the Conservation Board:

Calvary Baptist Church – None submitted.

The following comment submitted by the ARB:

Calvary Baptist Church – None submitted.

Comment #1: Board to discuss SEQR.

Mr. Fink: Under SEQR, this application is an Unlisted Action. The Planning Board has declared itself Lead Agency. There were a couple issues under SEQR that we had identified and addressed through the EAF. One issue is that it is within a NYS Ag District or within 500 feet of a farming operation. There are map notes placed on the plan to that effect. The project is also located within the Town's Aquifer Protection Overlay Zoning District. Those map notes have been placed on the plan. There are a couple of other issues. The Warwick Fire Department has expressed their concerns about fire access. The applicant has provided a fire lane and fire truck turnaround to provide fire access to the proposed gym. We have looked at lighting. The applicant has made corrections to their lighting plan. As far as stormwater is concerned, the applicant has proposed use of a couple of rain gardens to mitigate the impact of additional runoff from the gym's roof. That sums up the SEQR issues. I have prepared a Draft Negative Declaration for the Board's consideration.

Comment #2: Applicant to discuss project.

Mike Morgante: We are proposing a gymnasium behind the existing church with a small storage areas associated with it.

Comment #3: Note on the plan: "No construction equipment shall utilize Chancellor Lane to enter or exit the site."

Mike Morgante: No problem.

Comment #4: The fire lane should be 20-feet wide.

Mike Morgante: No problem.

Comment #5: On the Erosion & Sediment Control Plan, in the appropriate place in the Construction Sequencing Notes, insert a note that the rain gardens shall be constructed before the Stabilized Construction Access is removed. Provide calculations for the design of the rain gardens consistent with Chapter 9 of the NYS SWM Design Manual. Show how the rain gardens are connected to catch and treat the roof runoff.

Mike Morgante: No problem.

Comment #6: In Note 1 of the Construction Specifications for the Stabilized Construction Access, change the required stone size to 1"-4".

Mike Morgante: No problem.

Comment #7: Provide shielding for luminaires L3 and L4 consistent with the Town's Lighting ordinance (§164-43.4).

Mike Morgante: No problem.

Comment #8: Label the existing and proposed location of the sign.

Mike Morgante: No problem.

Comment #9: Add note stating: "No site preparation or construction, including utility connections, shall commence before a valid highway entrance permit has been secured from the Orange County Department of Public Works under Section 136 of the Highway Law."

Mike Morgante: No problem.

Comment #10: Provide the declaration and the recording information on the plan for Agricultural Protection Notes and Aquifer Protection Overlay Notes.

Mike Morgante: No problem.

Comment #11: Place the Church's 9-1-1 address on the plans.

Mike Morgante: Ok.

Comment #12: Pay outstanding review fees.

Mike Morgante: Ok.

Comment #13: The following items are FOR THE RECORD:

- Applicant notes that new well will not meet Orange County Department of Health standards for public water supply wellhead protection for an NTNC water supply, and that the church/school will continue to use bottled water for drinking. A note has been placed on the plan that the abandoned well shall be sealed per County Health standards.
- Board concurs that construction hours should be 7-7, Mon.-Sat., no holidays.
- Proposed wallpack luminaires for the gym (luminaires L8-L11) are fully shielded fixtures, complying with the Town's Lighting ordinance (§164-43.4).
- The proposed sign complies with the requirements of the Town Code.

Mike Morgante: Ok.

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

Mr. Singer: I have a question for Zen, when we are given an application on where they are putting in a rain garden, do we specify or ask what would be grown in the rain garden?

Zen Wojcik: What the DEC refers you to in the manual are several websites. On the website, they would have a laundry list of plants that are suitable for growth in rain gardens. There are about 20 plants from the list to look at. You wouldn't want to put 20 plants in there. You would want to choose from this list.

Mr. Singer: Should the list be on the plans?

Zen Wojcik: If you would like, we could put a list of plants on the plans.

Mike Morgante: It is on the plan. There is a landscape plan with landscaped items on it.

Mr. Singer: Is it on there for the rain garden?

Mike Morgante: It is on sheet 4 of 5. On the upper left hand corner there is a planting schedule. It says rain garden plantings. I did try to choose from that list.

Mr. Astorino: You did go off that list.

Mike Morgante: Yes.

Mr. Astorino: Ted, is that ok with you?

Mr. Fink: Yes.

Mr. Astorino: Does the Board have anything further?

Mr. McConnell: Would the O&R utility easement be moved? Has that been done already?

Mike Morgante: We have a correspondence from O&R Utilities accepting the relocation of the easement.

Mr. Astorino: Does the Board have anything further? This is a public hearing. If there is anyone in the audience wishing to address the Calvary Baptist Church application, please rise and state your name for the record. Let the record show no public comment.

Mr. Singer makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: Calvary Baptist Church Gymnasium

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed new Gymnasium on an existing

site of the Calvary Baptist Church, Town of Warwick, Orange County, New York,
and

Whereas, there are no other involved agencies pursuant to SEQR,
and

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 4/28/09, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

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

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

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

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

Mr. Kowal makes a motion on the Calvary Baptist Church application, granting Site Plan Approval and Special Use Permit for the construction and use of a gymnasium addition to the existing church and existing classrooms and new sign, situated on tax parcel S 46 B 1 L 29; project located on the eastern side of Wisner Road 460 feet south of Kings Highway, in the OI zone, of the Town of Warwick, County of Orange, State of New York. A SER Negative Declaration was adopted on May 20, 2009. Approval is granted subject to the following conditions:

1. Note on the plan: "No construction equipment shall utilize Chancellor Lane to enter or exit the site."
2. The fire lane should be 20-feet wide.
3. On the Erosion & Sediment Control Plan, in the appropriate place in the Construction Sequencing Notes, insert a note that the rain gardens shall be constructed before the Stabilized Construction Access is removed. Provide calculations for the design of the rain gardens consistent with Chapter 9 of the NYS SWM Design Manual. Show how the rain gardens are connected to catch and treat the roof runoff to Town Engineer's specifications.
4. In Note 1 of the Construction Specifications for the Stabilized Construction Access, change the required stone size to 1"-4".
5. Provide shielding for luminaires L3 and L4 consistent with the Town's Lighting ordinance (§164-43.4).
6. Label the existing and proposed location of the sign.

7. Add note stating: "No site preparation or construction, including utility connections, shall commence before a valid highway entrance permit has been secured from the Orange County Department of Public Works under Section 136 of the Highway Law."
8. Provide the Declaration and the Recording Information on the plan for Agricultural Protection Notes and Aquifer Protection Overlay Notes.
9. Place the Church's 9-1-1 address on the plans.
10. Pay Outstanding Review Fees.
11. The following items are FOR THE RECORD:
 - Applicant notes that new well will not meet Orange County Department of Health standards for public water supply wellhead protection for an NTNC water supply, and that the church/school will continue to use bottled water for drinking. A note has been placed on the plan that the abandoned well shall be sealed per County Health standards.
 - Board concurs that construction hours should be 7:00 a.m.-7:00 p.m., Mon.-Sat., no holidays.
 - Proposed wallpack luminaires for the gym (luminaires L8-L11) are fully shielded fixtures, complying with the Town's Lighting ordinance (§164-43.4).
 - The proposed sign complies with the requirements of the Town Code.

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

Mike Morgante: Thank you.

Pastor Craig Adams: Thank you.

Review of Submitted Maps:***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 35.2; 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.

Representing the applicant: Mark Siemers from Pietrzak & Pfau Engineering. Bruce Katona, Director of Development for KDJ Realty, the Applicant.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
 - A. Update the EAF. Submit a Part III EAF.

2. Applicant to discuss project.

YIELD PLAN – DATED 12/2/02, LAST REVISED 4/24/06

3. Board achieved consensus on Yield Plan, February 21, 2007. Board and applicant to discuss effect that four Archaeological Areas of Concern have on the yield of the parcel.

CLUSTER PLAN – DATED 3/1/04, LAST REVISED 4/14/09

4. Four Archaeological Areas of Concern have been identified on the plans, Cultural Resource Notes have been proposed, and a copy of the March 20, 2009 letter from OPRHP has been submitted.
 - a. The Notes and the letter refer to certain lots (4, 5, 15-19, and 27-31) where construction must be avoided. Applicant and Board to discuss the extent of the potential approval which may be available for these lots.
 - b. The Areas of Concern encompass the cul-de-sac at the end of Road B, CB 23 at Road A Sta. 20+65 right, and a portion of Road A near that inlet. Applicant to discuss how and where these facilities will be replaced in the development of the project.
5. Provide subbase testing results and pavement design calculations for Town Engineer’s review and approval.
6. Show proposed street name on plans..
7. Applicant to discuss existing tenant house on Lot 38 and notes 15 & 16 (sheet 1).
8. NYS PDES General Permit GP-0-08-001 became effective in August 2008. Revise and update the SWPPP Narrative (dated October 2004 and last revised January 2007) for the requirements of the current permit.
9. The stormwater management facilities proposed for this parcel have been designed in accordance with the NYSDEC Design Manual. However, the design concept does not include Low Impact Design (LID) and Better Site Design (BSD) features encouraged by NYSDEC under their current General Permit. The applicant should consider integrating LID/BSD concepts into their site design without the wholesale revision of the previous design. Consideration could be given to measures that may result in reductions of impervious cover (i.e. reducing driveway widths) and measures that will provide water

quality and quantity treatment closer to the source (i.e. dry swale along Road A) to reduce the size of the stormwater management pond.

10. Update details for erosion control measures consistent with the current *NY Standards and Specifications for Erosion and Sediment Controls*.
11. Place a Lighting Note on the plans: "All outdoor lights shall be designed, located, installed, and directed in such manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property. The prohibitions and requirements listed in Section 164-43.4 of the Town Code shall apply to all proposed and existing outdoor lighting fixtures."
12. Insert the following note as Note 1 of the Construction Sequence Notes: "Attend a pre-construction meeting with the Town Engineer's representative and provide a schedule for construction. Schedule must be regularly updated as construction progresses."
13. Include the Franklin Marble Construction Note from the Town's Standard Map Notes on the plans.

BEFORE FINAL APPROVAL

14. Applicant to provide 9-1-1 addressing.
15. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at corners of Open Space.
16. Provide the declaration and the recording information on the plan for Agricultural Protection Notes, Aquifer Protection Overlay Notes, Open Space Conservation, Private Road Use and Maintenance Agreement (Edsall Lane), Ownership and Maintenance of Stormwater Management Facilities Notes, and Radon Reduction Notes.
17. Provide irrevocable offer for road dedication for proposed town road for the Town Board's approval.
18. Provide easement and open space metes and bounds descriptions for review.
19. Provide a copy of the submitted completed and signed NOI form.
20. Pay performance bond and inspection fee for roadway, drainage improvements, and erosion control. Pay landscape maintenance bond (3 years) for street trees and stormwater management facilities plantings.
21. Pay parkland fees.
22. Pay outstanding review fees.

The following comment submitted by the Conservation Board:

Edsall Farm – None submitted.

The following comment submitted by the ARB:

Edsall Farm – None submitted.

Comment #1: Board to discuss SEQR.

- A. Update the EAF. Submit a Part III EAF.

Mr. Fink: The Planning Board has been acting as Lead Agency on this application. It has been classified as a Type 1 Action. We have been using the extended EAF. Since this was last on the agenda, the major SEQR work that has been done was archeology. The Planning Board should have received sometime during the past week a copy of a Archeological Phase 2 Investigation Report that was prepared by Columbia Heritage, LTD. That is mentioned in the review comments tonight along with other SEQR comments.

Mr. Astorino: Ted, do we have that in our packets now?

Mr. Fink: Yes.

Mr. Astorino: Ok. We are just receiving that tonight.

Comment #2: Applicant to discuss project.

Mark Siemers: This is a proposed 38-lot subdivision that has been before the Board since the year 2004. The project hasn't changed much. It hasn't been before the Board since the year 2007 because of the cultural resource study that has been taken place so far.

YIELD PLAN – DATED 12/2/02, LAST REVISED 4/24/06

Comment #3: Board achieved consensus on Yield Plan, February 21, 2007. Board and applicant to discuss effect that four Archaeological Areas of Concern have on the yield of the parcel.

Mr. Astorino: Was that for 13 lots or 12 lots in that area of concern?

Mr. Fink: Yes. There are a number of lots in the area of concern.

Mr. Astorino: That would change the yield. Is that correct?

Mr. Bollenbach: What does the applicant propose? Would you be removing those 13 lots?

Bruce Katona: Hopefully you received both the letter from Edsall Farm, LLC., as well as one OPRHP wrote back to us. It outlined the proposed mitigation measures. The Board and Consultants were correct. It would be about 12 to 13 lots that OPRHP has. They would like us to do some additional studies on that. What they are looking to do is to have us categorize and submit to them any other archeological concerns that are found on some additional field work. Other than that, once those reports are done and if any artifacts are found, they would want that forwarded to them. What OPHRP would be able to do is to release to us an approval to go ahead. If the Planning Board grants us final approval, then we would be able to issue a building permit for each one of those lots. What I am trying to say is that we would be doing some additional studies on those individual lots. But, that should not preclude us from going forward and prosecuting both the preliminary and final application. It would be an additional study and work that would need to be done. Those lots are certainly developable.

Mr. McConnell: I recall the letter that you are talking about. It talked about mitigation plans. I haven't seen any mitigation plans.

Bruce Katona: They haven't been submitted yet.

Mr. McConnell: Then, I am a little confused on how I am expected or thought I am going to proceed if I haven't seen the mitigation plans, which could be as nocuous as what you are talking about, but they could also be not that a nocuous.

Bruce Katona: You are correct. If we as the applicant cannot mitigate those historical concerns and get sign off from OPRHP, I am confident that we can. But, if we cannot, our road layout would not change. We would just be precluded from building on effectively what we had done there as a preliminary building lot.

Mr. McConnell: Would that change the yield plan?

Bruce Katona: It would change the number of lots that would be ultimately granted by the Board for final approval. It would be no different than us not being able to potentially achieve a septic approval if the Board had granted a 38-lot subdivision and you could only get 37 percs. We would just rearrange the lot lines.

Mr. Bollenbach: You would have to demonstrate that before the Board grants the approval. It would be just like what you do for the percs, you would have to do the same for the archeology. You would have to demonstrate that it would be buildable.

Mr. Astorino: That would also be an issue with the cluster.

Mr. Bollenbach: It would directly impact the yield. That would have to be revisited.

Mark Siemers: Doug Mackey from OPRHP assured the applicant and Vince Pietrzakin a meeting that the cultural resource study would not eliminate the potential development of this project.

Mr. McConnell: That is not for him to determine. That would be for us to determine.

Mark Siemers: It does as far as the cultural resource end of the project goes.

Mr. McConnell: I am looking at Mr. Mackey's letter right now, dated 3/20/09, in the letter, it says, "OPRHP will accept your letter in conjunction with the project plan as an avoidance plan and it is our opinion the proposed project will have No Adverse Impact on historic resources." I am also looking at your letter, I don't see an avoidance plan contained in your letter to Mr. Mackey. That is what I am confused about.

Bruce Katona: What Mr. Mackey had indicated in his letter was that it would have no adverse impact on historic resources with the condition that the steps set forth in the avoidance plan.

Mr. McConnell: We have not seen an avoidance plan. I will read the rest of the sentence in Doug Mackey's letter of 3/20/09, it says, "with the condition that the steps set forth in avoidance plan are carried to completion and that no physical disturbance of the sites occurs until after any field work has been completed and OPRHP has provided notice that construction should be allowed to proceed." This is a lot of ifs.

Mr. Astorino: I agree with Dennis. We don't know where we are. We know that there are certain areas of concern.

Mr. Singer: We have had this application before the Board for several years now. At one time, we had another archeologist do a report on this. What happened to that report?

Bruce Katona: It was incorporated.

Mr. Bollenbach: Do we have copies of that?

Zen Wojcik: Yes. It is the packets.

Mr. Astorino: We haven't had the chance to read that report yet.

Zen Wojcik: There is a reference to the other archeologist in the report.

Mr. McConnell: That was Philip LaPorta of LaPorta Associates.

Zen Wojcik: Yes.

Mr. McConnell: I have a question about that report that was in our packets. It was stamped received by Historic Preservation Field Service Bureau, dated May 19, 2008. But, it was stamped received by the Town of Warwick, dated May 12, 2009.

Connie Sardo: May 12, 2009 was when I received that.

Mr. McConnell: I figured that. It worked. Did it not get out of the State before this?

Mark Siemers: The answer to that would be that it was released subsequent to Mr. Mackey's letter to us.

Mr. McConnell: But, it was stamped May 19, 2008. A year has lapsed since then. What I am trying to say is that I would like to have the opportunity to review this report since we just received it tonight.

Mr. Astorino: Yes. I think there are many unanswered questions. That is why the applicant is here. If this was an ongoing thing, you would have not been on tonight with this many comments and outstanding issues.

Mr. Singer: I am a little confused. Who is standing before us? What is your position?

Bruce Katona: I am the Director of the development for the applicant, KDJ Realty.

Mr. Singer: Ok.

Mr. Astorino: Let us go through the rest of the comments. We have a little research to do on this ourselves.

Mark Siemers: I believe the avoidance plan that he is referring to, Bruce wrote a letter on how to avoid these areas.

Mr. Singer: Do we have a copy of that letter?

Mark Siemers: I do.

Mr. McConnell: Has it been submitted to us?

Mark Siemers: Yes. It should have been.

Mr. Astorino: If it wasn't, submit it. I haven't seen it yet.

Bruce Katona: I have a copy here to give to you.

Connie Sardo: That might have been emailed to the Planning Board.

Zen Wojcik: That was what Mr. McConnell was referring to.

Mr. Astorino: We will get that out to the Board. Connie, mark it received.

Connie Sardo: Ok.

Bruce Katona: Hopefully, that letter would shed some light on this.

Mark Siemers: What was created was the cultural resource notes in the upper left hand corner on the map, which conforms to the avoidance plan that was set forth in Bruce's letter.

Mr. Astorino: The letter that was just submitted is from Edsall Farm, LLC., dated 3/20/09.

Mr. McConnell: Is that the letter that we have here?

Bruce Katona: That is it. Correct.

Connie Sardo: We have that letter on file already.

Mr. McConnell: I am reading this letter; I don't see an avoidance in here.

Mr. Astorino: We will have to review all this stuff. We just received it this evening. We are not going through it all tonight.

CLUSTER PLAN – DATED 3/1/04, LAST REVISED 4/14/09

Comment #4: Four Archaeological Areas of Concern have been identified on the plans, Cultural Resource Notes have been proposed, and a copy of the March 20, 2009 letter from OPRHP has been submitted.

- a. The Notes and the letter refer to certain lots (4, 5, 15-19, and 27-31) where construction must be avoided. Applicant and Board to discuss the extent of the potential approval which may be available for these lots.

Mr. Astorino: We went through that already. We will need what could happen before an approval could be granted or not granted.

- b. The Areas of Concern encompass the cul-de-sac at the end of Road B, CB 23 at Road A Sta. 20+65 right, and a portion of Road A near that inlet. Applicant to discuss how and where these facilities will be replaced in the development of the project.

Mr. Astorino: You will be doing some tweaking on your roads if that area cannot be disturbed.

Mark Siemers: I believe the ideas of having OPRHP send in that letter that says these areas need to be studied; it was to allow the Board to possibly move towards a preliminary approval so the project could continue onto Health Department review in conjunction with the cultural resource review. The areas wouldn't be disturbed until the cultural resource areas were thoroughly investigated.

Mr. Astorino: We understand that you wouldn't do anything until you received your approvals. Our point is that we need to know what you will be doing and what will be done. If that road is going to change significantly, we will need to know that upfront before we would give any approval. That would be the same thing with the lots. We would need to know what lots would be buildable. We need more information about that. That is where we are right now.

Comment #5: Provide subbase testing results and pavement design calculations for Town Engineer's review and approval.

Mark Siemers: Yes.

Comment #6: Show proposed street name on plans.

Bruce Katona: Is there a practice of the Board or the Historical Commissioner regarding this?

Mr. Astorino: The proposed street name would go to the Building Department and the Town Clerks office.

Comment #7: Applicant to discuss existing tenant house on Lot 38 and notes 15 & 16 (sheet 1).

Mark Siemers: Notes 15 and 16 outlines the restrictions for lot 38. Lot 38 was broken out to covey 1-acre around the existing dwelling. It also states that only one-dwelling could remain on lot 38.

Comment #8: NYSPDES General Permit GP-0-08-001 became effective in August 2008. Revise and update the SWPPP Narrative (dated October 2004 and last revised January 2007) for the requirements of the current permit.

Mark Siemers: No problem.

Comment #9: The stormwater management facilities proposed for this parcel have been designed in accordance with the NYSDEC Design Manual. However, the design concept does not include Low Impact Design (LID) and Better Site Design (BSD) features encouraged by NYSDEC under their current General Permit. The applicant should consider integrating LID/BSD concepts into their site design without the wholesale revision of the previous design. Consideration could be given to measures that may result in reductions of impervious cover (i.e. reducing driveway widths) and measures that will provide water quality and quantity treatment closer to the source (i.e. dry swale along Road A) to reduce the size of the stormwater management pond.

Mark Siemers: Ok. One concern that we have as far as reducing driveway widths and possibly providing dry swales along the road, we have no problem with that. What we were concerned about was a site visit that we had with the Board back in year 2004, it was requested that the development be placed on the north side of the County Road and eliminate anything on the south side. In doing that, the lots would get a little narrow with the septic and the wells. You have to have certain separation distances from these things. We are concerned that putting too much stormwater control up on the hill and not utilizing the pond that has already been designed to the standards that it may have to push a lot down to the south side of the County Road. We will be looking into that. But, we just wanted to express our concern about that.

Mr. Astorino: We are not talking about wholesale revision. We are talking about some rain gardens, etc...

Zen Wojcik: There are rain gardens already. That is part of the process of involving this plan. Mr. Chairman, that was why comment #9 is phrased the way it is. There is no point at this time to just throw the whole thing out. We know that there was a lot of work done on this. We would like to see the applicant tweak it up. We would like to get a narrative from the applicant. Give us a couple paragraphs about the efforts that you have made to meet the requirements. This way, we know that you are not reinventing the wheel on this matter.

Mark Siemers: Ok.

Comment #10: Update details for erosion control measures consistent with the current *NY Standards and Specifications for Erosion and Sediment Controls*.

Mark Siemers: Ok.

Comment #11: Place a Lighting Note on the plans: "All outdoor lights shall be designed, located, installed, and directed in such manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property. The prohibitions and requirements listed in Section 164-43.4 of the Town Code shall apply to all proposed and existing outdoor lighting fixtures."

Mark Siemers: Ok.

Comment #12: Insert the following note as Note 1 of the Construction Sequence Notes: "Attend a pre-construction meeting with the Town Engineer's representative and provide a schedule for construction. Schedule must be regularly updated as construction progresses."

Mark Siemers: Ok.

Comment #13: Include the Franklin Marble Construction Note from the Town's Standard Map Notes on the plans.

Mark Siemers: Ok.

Bruce Katona: What is that?

Zen Wojcik: Parts of the Town are underlain by Franklin Marble which has geological formation that has a small percentage of tremolite in it. It could have asbestos in it. The Town has a policy that says there would be no processing of any of this material. You can't crush it.

Bruce Katona: I understand that. Thank you.

Mr. Astorino: We will list comments 14 through 22 for the record. We are a little away from the final approval comments yet. Gentlemen, we will need something on the archeological lots. In regards to the correspondences that we received tonight, the Board will review those. I think you know where we are headed on that.

Bruce Katona: Yes. We owe you some plans that we worked out OPRHP. We will get the information you need to the Board.

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

Bruce Katona: Thank you.

Mark Siemers: Thank you.

BEFORE FINAL APPROVAL

Comment #14: Applicant to provide 9-1-1 addressing.

Comment #15: Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at corners of Open Space.

Comment #16: Provide the declaration and the recording information on the plan for Agricultural Protection Notes, Aquifer Protection Overlay Notes, Open Space Conservation, Private Road Use and Maintenance Agreement (Edsall Lane), Ownership and Maintenance of Stormwater Management Facilities Notes, and Radon Reduction Notes.

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

Comment #18: Provide easement and open space metes and bounds descriptions for review.

Comment #19: Provide a copy of the submitted completed and signed NOI form.

Comment #20: Pay performance bond and inspection fee for roadway, drainage improvements, and erosion control. Pay landscape maintenance bond (3 years) for street trees and stormwater management facilities plantings.

Comment #21: Pay parkland fees.

Comment #22: Pay outstanding review fees.

Lands of Brian & Melissa Singer

Application for sketch plat review of a proposed 2-Lot (Minor) subdivision, situated on tax parcel S 66 B 1 L 75; parcel located on the western side of Briller Road 1000 feet south of Continental Road, in the CO zone. Previously discussed at the 7/18/07 Planning Board meeting. ZBA granted 280a Variance, granted on 11/24/08.

Representing the applicant: Kirk Rother, Engineer. Brian Singer, Applicant.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. Applicant has received a determination from the ZBA. Full text of ZBA decision(s) to be placed on plans. Applicant to discuss.
4. Provide certification by licensed land surveyor that all metes, bounds, and topography were developed through actual field survey and the date of that survey. Note the datum of the topographic survey.
5. Correct the "Provided" column in the Bulk Table.
6. Board and applicant to discuss surfacing of unpaved portion of Briller Road and construction of turnaround.
7. There are insufficient erosion control measures shown on the plan for construction and future maintenance of a paved, 10% grade driveway and clearing of woodland on erodible soils for homesites. Show measures to control runoff during land disturbance and after stabilization, soil stabilization measures, and sediment control per *NYS Standards* on the plan.
8. Place a Lighting Note on the plans: "All outdoor lights shall be designed, located, installed, and directed in such manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property. The prohibitions and requirements listed in Sections 164-43.4 and -47.1F(5) of the Town Code shall apply to all proposed and existing outdoor lighting fixtures."

BEFORE FINAL APPROVAL:

9. Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes, Agricultural Protection Notes, Radon Reduction Notes and Private Road Use and Maintenance Agreement Notes.
10. Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners.
11. Pay parkland fees.
12. Pay outstanding review fees.

The following comment submitted by the Conservation Board:

Lands of Brian & Melissa Singer – None submitted.

The following comment submitted by the ARB:

Lands of Brian & Melissa Singer – None submitted.

Comment #1: Board to discuss SEQR.

Mr. Fink: The Planning Board has declared itself Lead Agency on this application. We are working our way through the SEQR process. There are a few SEQR comments in the review comments tonight.

Comment #2: Applicant to discuss project.

Kirk Rother: It is a proposed 2-lot subdivision. It is situated on approximately 13 acres of land in the CO zoning district. The minimum lot size would be 6 acres. The access is by means of combination of Right-Of-Ways and easements over a Private road known as Briller Road with an extension from the end of that to Mr. Singer's property. We spent roughly 1-1/2 years with the ZBA to resolve the variances and ROW issues. Those issues have been addressed. We are back before the Planning Board to continue with the process.

Comment #3: Applicant has received a determination from the ZBA. Full text of ZBA decision(s) to be placed on plans. Applicant to discuss.

Kirk Rother: No problem.

Comment #4: Provide certification by licensed land surveyor that all metes, bounds, and topography were developed through actual field survey and the date of that survey. Note the datum of the topographic survey.

Kirk Rother: Ok. This was based on a survey. But, there are different surveyors for different parts. Brian is getting prices to have one surveyor do the whole property together. Brian's piece was done by Bob Schmick, PLS.. Briller Road was done by Frank Cohen, PLS.

Comment #5: Correct the "Provided" column in the Bulk Table.

Kirk Rother: Ok.

Comment #6: Board and applicant to discuss surfacing of unpaved portion of Briller Road and construction of turnaround.

Kirk Rother: Briller Road per the documents that created Briller Road ends around 300 feet east of Mr. Singer's property. From that point, there is a separate ROW to the Singer's parcel and then to his two driveways. Therefore, whether that portion was deemed a Private road, common driveway, how wide it would be, and the surfacing of it, it would be a question that I have in my mind. We will have to work through that.

Zen Wojcik: That was where we left off.

Mr. Astorino: Yes.

Zen Wojcik: We are picking this up again, from where we had it.

Kirk Rother: From the end of “Briller Road” to Brian Singer’s property, there would be three properties served by it. It would include the Blake’s property and the two lots that Brian would be creating.

Mr. Astorino: Zen, whether it would be a common driveway, would that be something we would have to get a determination on?

Zen Wojcik: If the Board would like to have a common driveway, you could ask for that.

Mr. Bollenbach: We will have to take a look at that. We will have to see what is proposed and see what the pros and cons are. We could review that at a work session.

Mr. Astorino: Ok.

Comment #7: There are insufficient erosion control measures shown on the plan for construction and future maintenance of a paved, 10% grade driveway and clearing of woodland on erodible soils for homesites. Show measures to control runoff during land disturbance and after stabilization, soil stabilization measures, and sediment control per *NYS Standards* on the plan.

Kirk Rother: Ok. I don’t think we have much of any erosion control on there. There were a couple of things from when we had done lot 1. That was done as an individual site plan that got carried over. We will embellish on that.

Comment #8: Place a Lighting Note on the plans: “All outdoor lights shall be designed, located, installed, and directed in such manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property. The prohibitions and requirements listed in Sections 164-43.4 and -47.1F(5) of the Town Code shall apply to all proposed and existing outdoor lighting fixtures.”

Kirk Rother: Ok.

BEFORE FINAL APPROVAL:

Comment #9: Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes, Agricultural Protection Notes, Radon Reduction Notes and Private Road Use and Maintenance Agreement Notes.

Kirk Rother: Ok. Mr. Chairman, we don’t have any problems with the rest of the comments.

Mr. Bollenbach: Just for clarification, if it would be a Private road, private driveway, or shared, whatever it will be, it is to be determined.

Mr. Astorino: We will list comments 10 through 12 for the record. Do any Board members or Professionals have any comments or concerns?

Comment #10: Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners.

Comment #11: Pay parkland fees.

Comment #12: Pay outstanding review fees.

Mr. McConnell: Is the Blake property already connected to Brillier Road?

Kirk Rother: Yes.

Mr. McConnell: According to this, it says a private driveway. Is that correct?

Kirk Rother: We just labeled that portion that peels off into Blake's property as a private driveway. But, they do have a ROW.

Mr. McConnell: Is it gravel?

Kirk Rother: Yes. I believe it is dirt or it might be shale.

Brian Singer: On my property, it is gravel. Then, it continues as dirt off that.

Kirk Rother: Looking at the map, from this point down, it is unpaved.

Mr. Astorino: How far would that be?

Kirk Rother: It would be about 370 feet.

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

Kirk Rother: We have done the soil tests at the property with the Town for the septic 2 years ago. Would the Board consider setting this application for a public hearing, subject to us working out the road issues?

Mr. McConnell: I assume that the previous Planning Board had done a site visit on this property.

Mr. Astorino: No. We could do a site visit if you want. It would be the Board's call.

Mr. McConnell: There has been so much noise about the access. I would like to see the access.

Mr. Showalter makes a motion to set the Lands of Brian and Melissa Singer application for a Final Public Hearing at the next available agenda.

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

Mr. Bollenbach: When do you want to do the site visit?

Mr. Astorino: We could do the site visit before the 6/8/09 work session at 6:30 p.m.. How does the Board feel about that date and time?

Kirk Rother: That would be fine with me.

Connie Sardo: The Board has just scheduled a site visit for Monday, 6/8/09 @ 6:30 p.m.. Where will the Board be meeting?

Mr. Singer: We could meet on Briller road by the potential cul-de-sac.

Kirk Rother: I will wait for you at the entrance. Thank you.

Land of John Peruso

Application for Sketch Plat Approval of a proposed 1-Lot (**Major**) subdivision (noted as an "Omit" Lot on the prior subdivision map), situated on tax parcel S 33 B 2 L 12; parcel located on the southern side of Cedar Hill Drive 1200± feet southwest of Belcher Road, in the RU zone, of the Town of Warwick. Previously discussed at the February 18, 2009 Planning Board meeting.

Mr. Astorino: We received a letter from John Peruso, dated 5/20/09 addressed to the Planning Board. The letter is stated as follow:

Dear Planning Board:

As per our phone conversation 5/20/09 (with Connie), please withdraw my application regarding the approval of lot #12 Cedar Hill Drive from tonight's meeting 5/20/09 and I will reschedule for a future meeting date as I will be out of the area this evening.

Thank you,

John Peruso

Mr. Singer: I would like to know what he said the reason was.

Connie Sardo: He said he would be out of the area this evening. He couldn't attend the meeting tonight. He wanted to be here. He asked me to move his application over to the Pending List. He will notify me again stating what agenda he would like to be placed on.

Mr. Astorino: Ok. That would be up to him. Mr. Peruso is off the agenda for tonight.

Other Considerations:

1. Planning Board to discuss cancelling the 6/22/09 Work Session & 7/1/09 Planning Board meeting due to the July 4th Holiday.

Mr. Showalter makes a motion to cancel the 6/22/09 Work Session and the 7/1/09 Planning Board meeting.

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

2. **Adele Grill Subdivision** – Letter from Adele Grill, dated 4/30/09 addressed to the Planning Board – in regards to requesting **2nd Re-Approval** of Final Approval of a proposed 4-Lot cluster subdivision, situated on tax parcels S 29 B 1 L 71 & L 72; parcels located on the westerly side of Distillery Road 750 feet north of Pine Island Turnpike, in the RU zone. Final Approval was granted on, 5/16/07. 1st Re-Approval of Final Approval was granted on, 5/7/08. 6-Month Extension on Re-Approval of Final Approval was granted on, 11/5/08 became effective on 11/7/08. *The applicant is currently experiencing economy problems and the depressed housing market.* The **2nd Re-Approval** of Final Approval becomes effective on 5/7/09, subject to the conditions of Final Approval granted on, 5/16/07.

Mr. Astorino: With that being said, at the work session, we asked the Building Department to go out there and verify that the other home was abandoned. The Building Department went out to the site on 5/7/09. The road was blocked off. They could not get into the site. I believe they went out to the site twice. It was still blocked off. They went out late this evening on 5/20/09. It was a late inspection done with Mrs. Grill. The Building Department had stated that Mrs. Grill revealed #15 to be vacant, there was one cat, telephone, and single bed in living room and all other rooms were full of storage type contents. It seems to me that there were some other issues. There are still some issues going on out there. My recommendation would be to hold this request off. Maybe, we could get the Building Department out there to do a full inspection to make sure there is not a kitchen in the house. In the house, it was noted that there was a cat, telephone, and a bed in the house. We have been running through this for some time now. We should get some clarification on this before we give the 2nd Re-Approval.

Mr. Singer: Did the road seemed to be intentionally blocked off?

Mr. Astorino: It was blocked off. I will have our Secretary fill you in on that part. I was not in on the phone conversation.

Connie Sardo: I spoke to Mrs. Grill today on the telephone. She had stated to me that nobody could drive down there because she has a science thing going on. I asked

her, what do you mean by a science thing? She said, you could walk down there, but you can't drive down there. She was the only one that could drive down there. I radioed Mr. Batz about it. First, he told me to forget about it that he would not be able to get back out to the site today. But, then he managed to go out there at the end of the day. He drove through the fields in order to get to the house. What the science thing issue was, there was a puddle in the driveway. In that puddle were tadpoles. She did not want those tadpoles get run over. That was that hole issue. Mr. Batz had said that in the house there were a lot of storage boxes in all of the room. He couldn't really see the kitchen because there was so much stuff in there. But, there is in the house a cat, telephone, and a single bed. John felt that he could not really see anybody living in that small house because of the condition that it is in.

Mr. Bollenbach: John Batz will have to go out and confirm that.

Mr. McConnell: When he went into the house, did he pick up the phone to see if there was a dial tone.

Mr. Astorino: I don't think he went into the house. I believe he looked through the windows. I think we should wait until we get a full confirmation on this matter.

Mr. McConnell: Didn't we include the last time to remove the kitchen?

Mr. Astorino: I will speak to John Batz about this tomorrow. Maybe, I will take a ride with John Batz. Is the Planning Board ok with tabling the request for 2nd Re-Approval?

Mr. Kowal: Yes.

Mr. McConnell: Yes.

Mr. Astorino: Ok. The 2nd-Re-Approval of Final Approval request has been "Tabled".

3. **The Gables At Warwick Subdivision** – Letter from Karen Emmerich from Lehman & Getz Engineering, dated 5/11/09 addressed to the Planning Board – in regards to the Gables At Warwick Subdivision requesting a 6-Month Extension on "Re-Approval" of Final Approval of a proposed 15-Lot cluster subdivision, SBL # 44-1-132; parcel located along the southern side of NYS Route 17A at the intersection of the east end of Ketchum Road, in the RU zone. Final Approval was granted on 12/5/07. Re-Approval of Final Approval was granted on 12/3/08 became effective on, 12/5/08. *The applicant needs the extension to finalize the conditions of the final approval of the project.* The 6-Month Extension on Re-Approval of Final Approval becomes effective on, 6/5/09.

Mr. McConnell: Do we have an idea on which conditions they need to finalize?

Mr. Astorino: It would probably be all of the conditions.

Connie Sardo: Yes.

Mr. McConnell: They did not specify. I rather not speculate on it. Could we ask them?

Connie Sardo: I haven't seen any final maps or anything like the declarations come in for final review.

Mr. Astorino: I think they still have everything to do.

Connie Sardo: I don't know if they are waiting for something from BCM or if its due to the economy problems.

Mr. Astorino: There is the issue with BCM. They are working together on the water system. I am sure there is a lot of stuff out there that won't happen right away.

Mr. Singer: I don't see any harm with going with what Dennis had said to ask the applicant for a better explanation. But, I think we should give them the extension anyway. Before they get the next extension, we would like to hear from them what is going on.

Mr. Showalter makes a motion on the Gables At Warwick Subdivision application, granting a 6-Month Extension on Re-Approval of Final Approval of a proposed 15-Lot cluster subdivision, SBL # 44-1-132. Final Approval was granted on, 12/5/07. Re-Approval of Final Approval was granted on, 12/3/08 became effective on, 12/5/08. The 6-Month Extension on Re-Approval of Final Approval becomes effective on, 6/5/09.

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

Mr. Showalter: It would be nice to get some further detail from them.

Mr. McConnell: We want specificity.

Mr. Singer: Could we have Connie call the applicant to get more information from them on what is going on with the project?

Mr. Astorino: Yes. We will ask them to send a letter to the Planning Board with more information.

Connie Sardo: Ok.

4. **Dayspring-Baum Subdivision** – Letter from Kirk Rother, dated 5/19/09 addressed to the Planning Board – in regards to Dayspring-Baum Subdivision requesting a 2nd 6-Month Extension on Preliminary Approval of a proposed 11-Lot cluster subdivision (9-New Residential Lots), SBL # 31-2-2&8; parcels located on the southerly side of West Ridge Road 1000+ feet west of Route 94 & 17A. Preliminary Approval was granted on 4/16/08. *The applicant is still in the process of obtaining OCHD approval.* The 2nd 6-Month Extension becomes effective on, 4/16/09.

Mr. Singer: Mr. Bollenbach, I need some clarification about something regarding this project. Is there a violation on this property?

Mr. Astorino: I believe that had to do with the Dayspring School application.

Mr. Bollenbach: There was an action before the Town Board for an unsafe building. It was for the Town Board to secure.

Mr. Singer: Has that been resolved?

Mr. Bollenbach: I don't know. I thought it had been resolved. I haven't heard anything recently. I will confirm it.

Mr. Singer: Should we continue to give extensions since there are legal problems?

Mr. Bollenbach: That is a separate action.

Mr. Singer: Ok.

Mr. McConnell makes a motion on the Dayspring-Baum Subdivision application, granting a 2nd 6-Month Extension on Preliminary Approval of a proposed 11-Lot cluster subdivision (9-New Residential Lots). SBL # 31-2-2 and 8. Preliminary Approval was granted on, 4/16/08. The 2nd 6-Month Extension becomes effective on, 4/16/09.

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

Correspondences:

1. Letter from Dave Griggs, ERS Consultants, dated 5/11/09 addressed to the Town Engineering – in regards to Fairgrounds Projects Wildlife Barrier Fence.

Mr. Astorino: That is still an ongoing process with the Fairgrounds obtaining any information. I know that we had sent some letters out to the Fairgrounds, DEC, and Fish & Wildlife Services. That is still an ongoing issue.

Mr. Bollenbach: Ted or Zen, have we received any information yet?

Mr. Fink: I don't believe we have received any replies yet.

Mr. Bollenbach: They haven't even commented on the letter that we had sent to them. It has been a month.

Zen Wojcik: No, it has not been over a month.

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. Bollenbach had just handed out to the Planning Board regulations regarding animals. The Town Board wants to know if the Planning Board has any zoning recommendations. Please read that information. We will talk about it at the work session. I have just one other thing to bring up to the Board. This past week, the Town

Professionals and I met with a potential Planning Board applicant, called Watchtower. This is located over where the Kings College site was over in Sterling Forest. Watchtower will be making an application to the Planning Board for a substantial project. From what the Town Professionals and I had seen at the meeting, it looks to be a lot less footprint than the Kings College.

Mr. Singer: They went from Kings College to a school?

Mr. Astorino: This is going to be a Watchtower headquarters. It is interesting. Watchtower would like the Board to go to their Wallkill facility to see what they have up there. I think that would be something the Board would like to do. I just wanted to give the Board a heads up on what could be coming before us.

Mr. Singer: What is the status of the buildings that are on that site now? Are they falling apart?

Mr. Astorino: There is one building that I think they will be keeping. They were saying that the initial main building and the rest needs work.

Mr. Singer: I think they were doing asbestos removal.

Mr. Bollenbach: There were also some unsafe building concerns up there as well. They have been secured. The plan proposes to reutilize very few of the buildings. Most of them will be demoed.

Mr. Astorino: Ok. That is it.

Mr. McConnell makes a motion to adjourn the May 20, 2009 Planning Board meeting.

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

