

TOWN OF WARWICK PLANNING BOARD

June 16, 2010

Members present: Chairman, Benjamin Astorino
Russell Kowal, Dennis McConnell
Roger Showalter, Carl Singer, Beau Kennedy
Laura Barca, HDR Engineering
John Bollenbach, Planning Board Attorney
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, June 16, 2010 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 Stephen and Kelly Helmrich

Application for Final Approval of a proposed 2-Lot subdivision, situated on tax parcel S 12 B 4 L 50; parcel located on the northerly side of Little Brooklyn Road 1200 feet westerly of Little York Road, in the SM zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: John McGloin, PLS.

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

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board Comments:
 1. CB supports preservation of trees while providing adequate lines-of sight at driveways.
 2. The CB does not object to this minor subdivision but would like more information on why the existing barn must be removed.
 3. Given the nature of the neighborhood with numerous small lots, the CB recommends the PB require the screening, preferably with native species, to avoid any future dispute between the lot owners regarding the type and location of permissive screening.
 4. The driveway to be removed should be excavated and replaced by fill (if necessary) so the grass seeding has an adequate soil bed.
4. Architectural Review Board
 1. No comments.
 2. Request building elevations before building permit issued.

5. OCPD: GML letter dated 08/14/09 - no advisory comments.
6. The declaration information for the Agricultural Notes will need to be shown on the drawing.
7. A legal description for the dedication strip to the Town for highway purposes will need to be submitted.
8. Surveyor to certify that iron rods have been set at all property corners.
9. Payment of Parkland Fees.
10. Payment of all fees.

The following comment submitted by the Conservation Board, dated 6/16/10:

Stephen and Kelly Helmrich - The CB does not object to this minor subdivision but would like more information on why the existing barn must be removed. It appears the only reason for the barn removal is to allow the new residence structure a greater setback than necessary. The CB generally supports the preservation of existing agricultural buildings in Warwick. The CB also supports the inclusion of item 17 in the HDR notes (screening). Given the nature of the neighborhood with numerous small lots, the CB recommends the PB require the screening, preferably with native species, to avoid any future dispute between the lot owners regarding the type and location of permissive screening. Finally, the CB recommends the driveway to be removed should be excavated and replaced by fill (if necessary) so the grass seeding has an adequate soil bed.

The following comment submitted by the ARB, dated 6/16/10:

Stephen and Kelly Helmrich - We have no comments on the Helmrich subdivision proposal at this time, but would appreciate the applicant or future builder submitting elevations before a building permit is issued.

Comment #1: Planning Board to discuss SEQRA.

Mr. Astorino: Ted Fink, our Planner couldn't be with us this evening. He has prepared a Draft Negative Declaration. We have that in our packets.

Comment #2: Applicant to discuss project.

John McGloin: Stephen and Kelly Helmrich are proposing a 2-lot subdivision. It meets all of the current zoning. There is an existing house located on one lot. The 2nd lot will be proposed new construction.

Comment #3: Conservation Board Comments:

1. CB supports preservation of trees while providing adequate lines-of sight at driveways.
2. The CB does not object to this minor subdivision but would like more information on why the existing barn must be removed.
3. Given the nature of the neighborhood with numerous small lots, the CB recommends the PB require the screening, preferably with native species, to avoid any future dispute between the lot owners regarding the type and location of permissive screening.
4. The driveway to be removed should be excavated and replaced by fill (if necessary) so the grass seeding has an adequate soil bed.

John McGloin: Ok.

Mr. Bollenbach: Laura, did you have a comment about the condition of the existing barn? Is it in good sound condition that it could be readily converted into a residence? Or, would removal of the barn be appropriate? Has anybody looked at the condition of the barn? I thought we discussed this at the Work Session.

Laura Barca: Right. I was at the site. I did not specifically look at the condition of the barn.

Mr. Bollenbach: John, do you have any comments on that?

John McGloin: The barn is in an ok condition. Could it be converted? Maybe. It doesn't meet the setback requirements. The only way we could get to the septic system and meet the separation requirements would be to go underneath the barn and through it. That is the reason that it is shown to be removed. It is possible that we could take that notation off. If that house is repositioned, then it could be possible that the barn wouldn't have to be removed. The way it stands right now under the separation requirements that exists, it would have to be removed in order to put a house there.

Mr. Bollenbach: Is the Board satisfied with that?

Mr. Astorino: Does the Board have any questions on that? Ok. The Board is ok with that.

Comment #4: Architectural Review Board

1. No comments.
2. Request building elevations before building permit issued.

John McGloin: Yes.

Comment #5: OCPD: GML letter dated 08/14/09 - no advisory comments.

Comment #6: The declaration information for the Agricultural Notes will need to be shown on the drawing.

John McGloin: Will do.

Comment #7: A legal description for the dedication strip to the Town for highway purposes will need to be submitted.

John McGloin: Will do.

Comment #8: Surveyor to certify that iron rods have been set at all property corners.

John McGloin: Yes.

Comment #9: Payment of Parkland Fees.

John McGloin: The applicant will do that.

Comment #10: Payment of all fees.

John McGloin: The applicant will do that.

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

Linda McCauley: When could we take a look at the plans?

Mr. Astorino: You could take a look at the plans now.

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

Kevin Cote: You know where I live. I am not opposing this in anyway. This is the first time that I am seeing this plan. They are my friends. I want them to have this stuff there. I just want to be completely informed with what is going on. What does the Code require for a septic system? I see that this is a few feet off the corner.

Laura Barca: It is 5 feet from the slope.

Kevin Cote: Do we know where my well and septic is located? Is all of this conforming?

Laura Barca: Yes.

Laura shows the map to Mr. Cote and Ms. McCauley. She shows them where all the wells and septic are located and that they meet the separation requirements.

Kevin Cote: Is the new driveway going to be the old driveway? Or, is it going to be in a different location?

Laura Barca: The current driveway loops around. The proposed driveway for the proposed dwelling will be the existing driveway. The shaded area on the map is an area to be covered with topsoil and seeded. This was where the Conservation Board had asked a question about required plantings in here that they are to be shown on the plan at this point and time.

Kevin Cote: This is the proposed area that the house is supposed to sit in. It is supposed to sit in each of these four pins. Are there any deed restrictions for the requirement of the house for instance, on how tall it could be?

Mr. Astorino: It would be to whatever is in the Code. I believe the height limit is 35 feet.

Laura Barca: Right. It would be whatever is in the Code. The height is to be 35 feet maximum.

Mr. McConnell: That would be 35 feet tall.

Laura Barca: Right.

Kevin Cote: Could there be another building put on here afterwards?

Mr. Astorino: I don't think they would have the room for another building.

Laura Barca: They might be able to put up a garage. They wouldn't be able to put up another residential dwelling.

Kevin Cote: I understand that. It looks good to me. Thank you.

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

Linda McCauley: What is the separation distance between our well and the proposed well?

Laura Barca: There isn't a requirement between wells. There is only a requirement between septic tanks and wells.

Linda McCauley: It just concerns me. I don't want anything to happen to our well while they are digging.

Laura Barca: Do you know how deep your well is?

Brian Jacobus: It is about 400 feet deep. The wells that are already there are 100 feet or less typically. My well is about 67 feet deep. The Helmrich's well is about 50 feet deep. The one next to it is about 50 feet deep.

Laura Barca: It sounds like they are all using different aquifers.

Brian Jacobus: There is a lot of water that runs through that area.

Mr. Astorino: Ok. Is there anyone else wishing to address the Helmrich application?

Kevin Cote: I have a pond that historically has fed that whole area. People use to draw water from it for domestic use. Right now, there is a bit of a ditch. I just want to make sure that ditch is either modified so that anyone on that property takes the ditch and goes down into the field.

Mr. Astorino: Is it going there now?

Kevin Cote: There is a little bit of a ditch there now.

John McGloin: As far as I know, it is past the property line.

Kevin Cote: It is just on the other side of the property line. I just want to make sure there would be no runoff that would get down to the pond.

John McGloin: He would not cover the ditch. It would hurt him to or anyone else.

Kevin Cote: Ok. Thank you.

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

Brian Jacobus: I know the property is eligible for a single-family dwelling unit. Could they build a duplex on there?

Mr. Astorino: No.

Brian Jacobus: It is not permitted.

Mr. Astorino: No. It would just be a single-family dwelling.

Brian Jacobus: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Helmrich application? Do any Board members or Professionals have anything else? Let the record show no further public comments.

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: Helmrich Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed two-lot subdivision at 21-23 Little Brooklyn Road, 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 7/15/09, 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. Kowal. Motion carried; 5-Ayes.

Mr. Bollenbach: Mr. Chairman, I was just looking over the conditions. I was planning to add a comment #11. Do you want to provide screening to the Town Planner's specifications? Did you want to include that or not?

Mr. Astorino: I don't see the reason for it.

Mr. McConnell: John, where would that screening be?

Mr. Bollenbach: It would be between the two lots the existing and the proposed lots.

Mr. Singer: We had discussed that at the Work Session. We had decided not to.

Mr. Kennedy: Right.

Mr. Astorino: That is good enough for me.

Mr. Bollenbach: Ok.

Mr. Kowal makes a motion on the Stephen and Kelly Helmrich application, granting Final Approval for a proposed 2-Lot subdivision, situated on tax parcel S 12 B 4 L 50; parcel located on the northerly side of Little Brooklyn Road 1200 feet westerly of Little York Road, in the SM zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on June 16, 2010. Approval is granted to the following conditions:

- 1) The Declaration information for the Agricultural Notes will need to be shown on the drawing.
- 2) A legal description for the dedication strip to the Town for highway purposes will need to be submitted.
- 3) Surveyor to certify that iron rods have been set at all property corners.
- 4) Payment of Parkland Fees.
- 5) Payment of all fees.

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

John McGloin: Thank you.

Other Considerations:

1. **Douglas Tinnirello Subdivision** – Letter from Douglas Tinnirello, dated 6/8/10 addressed to the Planning Board in regards to the Tinnirello Subdivision – requesting “**Re-Approval**” of Final Approval of a proposed 3-Lot cluster subdivision, situated on tax parcels SBL # 49-1-56 & 45.42; parcels located on the southeastern side of NYS Route 94 1000 feet southwest of Wawayanda Road, in the RU zone, of the Town of Warwick. Final Approval was granted on 6/17/09. 6-Month Extension was granted on, 12/16/09 became effective on, 12/17/09. *The applicant has stated that due to the past and present depressed state of the economy, he has not been able to generate enough income to cover the cost of anything and requests the re-approval of final approval so that he could accumulate enough funds to pay the parkland fees, etc.* “**Re-Approval**” of Final Approval becomes effective on, 6/17/10, subject to the conditions granted on 6/17/09.

Mr. McConnell: Mr. Chairman, I note that the actual letter from the applicant says the cost of anything other than the essentials of living. I just want to make sure the record reflects that Mr. Tinnirello is not saying that he can't generate enough income to cover the cost of anything, but anything above and beyond the essentials of living.

Mr. Astorino: Ok.

Mr. McConnell makes a motion on the Douglas Tinnirello Subdivision, granting “**Re-Approval**” of Final Approval for a proposed 3-Lot cluster 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, County of Orange, State of New York, subject to the conditions of Final Approval granted on 6/17/09. (See attached) Re-Approval of Final Approval becomes effective on, 6/17/10.

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

2. **Millers Ridge Subdivision** – Letter from Kirk Rother Engineering, dated 6/1/10 addressed to the Planning Board in regards to the Millers Ridge Subdivision – requesting a 5th 6-Month Extension on Preliminary Approval of a proposed 16-Lot cluster subdivision + 1-Affordable Residential Lot + 1-Commercial lot subdivision and an application for Special Use Permit for the 1-Affordable Home, situated on tax parcels SBL # 51-1-7.41 & 41; parcels located on the eastern side of Warwick Turnpike 1500 feet south of NYS Route 94, in the RU zone, of the Town of Warwick. Preliminary Approval was granted on 12/5/07. *The applicant's engineer has stated that due to the current economic conditions, the applicants have chosen to temporarily suspend work on the project. They do, however have a desire to keep the preliminary approval in effect since they are hopeful of proceeding with the project in the near future.* The 5th 6-Month Extension becomes effective on, 6/5/10.

Mr. McConnell makes a motion on the Millers Ridge Subdivision, granting a 5th 6-Month Extension on Preliminary Approval of a proposed 16-Lot Cluster subdivision + 1-Affordable

Residential Lot + 1-Commercial Lot subdivision and an application for Special Use Permit for the 1-Affordable Home, SBL # 51-1-7.41 and 41. Preliminary Approval was granted on, 12/5/07. The 5th 6-Month Extension becomes effective on, 6/5/10.

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

3. Planning Board Minutes of 6/2/10 – Planning Board Minutes of 6/2/10 for Planning Board Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 6/2/10.

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

Correspondences:

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

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

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

Mr. Showalter makes a motion to adjourn the June 16, 2010 Planning Board meeting.

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