

TOWN OF WARWICK PLANNING BOARD

June 17, 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, June 17, 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. Continued Public Hearing from the May 6, 2009 Planning Board meeting.

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

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. 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.
4. General Note #8 lists prohibited activities within 200 feet of wells. Applicant and Board to discuss potential uses of Lot #1.
5. 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.
6. 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.
7. Provide a letter from the Warwick Fire District that fire lanes are sufficient.
8. No bulk storage of fuel. Will fuel or lubricants in 55 gal. drums be stored on the site?
9. Outside storage areas shall be identified. Outside storage of vehicles shall be on concrete with measures to contain a spill of fluids from vehicles.

10. EAF shall be amended to address both Site Plan & Subdivision.

SWPPP:

11. Provide supporting stabilization calculations for swales, as noted on the detail.
12. 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.
13. The NYSDEC Notice of Intent (NOI) shall be completed consistent with the SWPPP Narrative and plans. Provide a copy of the submitted NOI.
14. 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.
15. 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:

16. Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners.
17. Provide the declaration and the recording information on the plan for Agricultural Protection Notes, Aquifer Protection Overlay Notes and a sewer line easement.
18. Applicant to provide an irrevocable offer of dedication for the Town Board's approval of a strip along Lake Station Road.
19. Applicant to provide 9-1-1 addressing.
20. 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.
21. Pay outstanding review fees.

The following comment submitted by the Conservation Board, dated 6/17/09:

Evan Pankin / WWC – CB has no comments.

The following comment submitted by the ARB:

Evan Pankin/WWC – None submitted.

Comment #1: Board to discuss SEQR.

Mr. Fink: The Planning Board has declared itself Lead Agency using the long EAF to review environmental impacts. There are a number of SEQR comments in the review comments tonight. We will be going over those comments, which include potential impacts on aquifers, stormwater, buffering, landscaping, etc.

Mr. Bollenbach: Mr. Chairman, are these the same comments from the last time? We have not reviewed any new maps recently.

Mr. Astorino: Are there any comments here tonight that the Board would want to discuss? I could list these comments for the record. They are the same comments from the last time. I will make a note to the public before we even get started here. I believe new maps were submitted to the Board. The Board has not yet reviewed the new maps. As far as going forward on this application, it will be adjourned without date. With that being said, do any Board members or Professionals have any comments at this time?

Mr. McConnell: Some of these issues might be cleared up with the new submission. But, there were some questions asked in these comments that Mr. Krahulik undertook to obtain answers for us. I was wondering if you were able to get those answers for us.

Mr. Astorino: Why don't we do this? We will go to comment #2, applicant to discuss project. We will run through that. As far as getting into the specifics of the maps, we won't do that tonight because we haven't reviewed the new maps yet.

Mr. McConnell: Right.

Comment #2: Applicant to discuss project.

- A. Applicant to discuss screening landscaping.
- B. Applicant to discuss Aquifer Impact Assessment.

Mr. Krahulik: The new submission of the maps are the same as the last maps as far as the proposed use of the property. In response to some of the concerns that we heard at the last public hearing, we have spent a considerable amount of time looking at landscaping for buffering and fencing for security issues. We have relocated the driveway in a westerly direction. To answer some of the questions that came up as far as the number of trips per day coming in and out of the site, we expect a nominal number of trips. The number of cars that we discussed was about 5 or 6 per day. But, for the record, the applicant would estimate no greater than 25 trips per day. There was considerable discussion with the applicant on whether or not there would be any outside storage of equipment. The answer to that is no, there will not be any outside storage of equipment. We talked about the physical improvements that would have to be made if there were outside storage of equipment. The applicant felt that it was not necessary for his intended uses. Therefore, we have not shown a storage yard. We are not showing a concrete pad where equipment would be stored because the equipment will not be stored outside of the structures that are shown on the site plan. There were many comments about the composition of the gravel drive. We felt that the gravel would be a preferred material for the roadway to absorb rainwater, drainage, and help recharge the aquifer. Some of the comments that we heard from the last public hearing was perhaps the gravel drive area should be blacktopped or macadam. We feel that would not be the most appropriate composition for the driveway and the areas around the warehouses themselves. We don't want to get into too much detail with the plans itself. We know that you have not reviewed them yet. But, I think with what I had said was a good summary.

Mr. McConnell: You did not cover the fuel and the 55-gallon drums, etc...

Mr. Krahulik: There would be no fuel stored on the site. There will be oil stored on the site in containers as large as 55-gallon drums.

Mr. McConnell: They would be located inside the buildings?

Mr. Krahulik: They would be inside the buildings.

Mr. McConnell: None of them would be stored outside?

Mr. Krahulik: There would be none stored outside and there would be no fuel stored on the site.

Mr. Astorino: I assume the drums would be stored with containment for any spill. They would have to follow any type of guidelines for spills.

Mr. Krahulik: I have talked to Rich about some of the improvements inside the buildings. I know he has some detailed plans in mind as far as protecting anything inside the buildings for potentially anything escaping.

Mr. Astorino: I know that in any shop these days there is containment around drums even for waste oil. They could leak. If you have a spill, it would be contained. That would be something we would want to see on the plans.

Mr. Krahulik: We show some grading on the plan to make sure that the wellheads are located uphill from areas where traffic would be coming and going in around the warehouses.

Mr. Astorino: I know you alluded to the SWPPP. I know we discussed that at the site. Has that been changed at all?

Anthony Trochiano: We revised the detention facility. We now show a bio-retention facility as we had discussed.

Mr. Astorino: Zen, was that exactly what we had discussed out at the site?

Zen Wojcik: Yes.

Mr. Krahulik: We also relocated the discharge points so that it would not be discharged toward the lands owned by the Town of Warwick. It would be in a northerly direction into the wetlands area within the site.

Mr. Singer: The last time you were here, you told us what one building would be used for. You weren't sure what the other building would be used for. Could you give us an update on that?

Mr. Krahulik: There is no potential occupant for those buildings. They would be leased.

Zen Wojcik: I think the Board was looking for a list of potential uses.

Mr. Astorino: Yes. We were looking for a laundry list of uses. What we are asking for is that there are two other buildings. The applicant said that they would be leased. We are asking for what potential tenants would they have there. They are to give us a list of what possibly could be.

Mr. Krahulik: We could provide a list of potential tenants that are satisfactory to the Board.

Mr. Astorino: We would like to see a list of what business you would wish to lease to.

Mr. Krahulik: Perhaps, there could be a condition that if we propose any other tenants, they would have to come back to the Planning Board.

Mr. Bollenbach: Just give us a generic type of list. Take a look in the list of Tables with the permitted uses.

Mr. Krahulik: Ok.

Mr. Astorino: Does the Board or Professionals have anything further? We will list comments #3 through #21 for the record.

Comment #3: 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.

Comment #4: General Note #8 lists prohibited activities within 200 feet of wells. Applicant and Board to discuss potential uses of Lot #1.

Comment #5: 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.

Comment #6: 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.

Comment #7: Provide a letter from the Warwick Fire District that fire lanes are sufficient.

Comment #8: No bulk storage of fuel. Will fuel or lubricants in 55 gal. drums be stored on the site?

Comment #9: Outside storage areas shall be identified. Outside storage of vehicles shall be on concrete with measures to contain a spill of fluids from vehicles.

Comment #10: EAF shall be amended to address both Site Plan & Subdivision.

SWPPP:

Comment #11: Provide supporting stabilization calculations for swales, as noted on the detail.

Comment #12: 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.

Comment #13: The NYSDEC Notice of Intent (NOI) shall be completed consistent with the SWPPP Narrative and plans. Provide a copy of the submitted NOI.

Comment #14: 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.

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Comment #19: Applicant to provide 9-1-1 addressing.

Comment #20: 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.

Comment #21: Pay outstanding review fees.

Mr. Bollenbach: Before we open up the public hearing, I just want to dismiss some miss information. The proposal only includes the expansion of the Sewer District, not the Water District. One other item, the Town Board had received a petition requesting a zone change for this particular parcel. That has been submitted to the Town Board. It is being processed. Until the Town Board takes action or no action, it would be premature for the Planning Board to take any action as well. If you want to open the public hearing for any continued comment, it would only be for new comments. We are not taking any action tonight. This will be adjourned without date. The neighbors will be re-noticed if and when the application returns before the Planning Board.

Mr. Astorino: This is a public hearing, if there is anyone in the audience wishing to address the WWC/Lands of Pankin application, please rise and state your name for the record.

Joe Pagano: I live on Grissom Street. I just wanted to know if they would be trucking in asphalt, stone, and debris.

Mr. Astorino: Do you mean for storage?

Joe Pagano: No. They grind it up at a site and then reuse it. It would be like recycled asphalt. Would they be doing that on the site?

Mr. Bollenbach: No. There would be no onsite processing.

Joe Pagano: Ok. Thank you.

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

Diane Ouzoonian: I live on Glenn Street. I had a question about the wells. I wanted to know if Kings Estates were notified about this.

Mr. Astorino: As far as what?

Diane Ouzoonian: Their wells are on this location.

Mr. Bollenbach: It is the Warwick Water Company's wells that are located on this site.

Diane Ouzoonian: And, specifically Kings Estates.

Mr. Astorino: Right.

Diane Ouzoonian: Have they been notified?

Mr. Astorino: The applicant has the obligation of notifying neighbors within 300 feet of their property. We have done that. I am sure if anyone from Kings Estates or Wickham Village or anywhere in the Town, it is posted on the Town's website. You could call the Planning Office and get any information that is out there.

Mr. McConnell: Ben, are you saying that those people weren't required to be notified because they were not within the 300-feet of the property line.

Mr. Astorino: Exactly.

Diane Ouzoonian: I have a comment about the sewer. I am a resident of Wickham Knolls. We have experienced a lot of sewer problems, water problems, and ecoli problems. My concern is that this might cause more of a new disturbance. There were so many times that they had to shut the water off and fix things.

Mr. Astorino: That's water.

Diane Ouzoonian: There was also sewer backup.

Mr. Astorino: Regarding the water, they would not be hooking into the water. If they hook into the sewer line, it would be minimal at best.

Mr. Bollenbach: That would be a Town Board issue.

Diane Ouzoonian: I just wanted to bring that up. That has been an issue in our development in the past. We are just trying to hold onto the houses that we have there. My concern would be having any added stress on it. It could cause a problem.

Mr. Astorino: John, you said that the Town Board would have to address that if they do allow extensions.

Mr. Bollenbach: Yes.

Diane Ouzoonian: I just wanted to let you know that this was something in the past that we have experienced.

Mr. Astorino: Regarding the sewer issues.

Diane Ouzoonian: Right.

Mr. McConnell: Be sure to repeat that to the Town Board. They would be the ones that would make the decision on that part of the application.

Diane Ouzoonian: Ok. When would that be on the Town Board?

Mr. Astorino: It would be whenever they would schedule that. We can't give you a date. It would be whenever the applicant submits.

Diane Ouzoonian: How would we know when this would come up again?

Mr. Astorino: John, is that a public hearing through the Town Board?

Mr. Bollenbach: Yes. It would be a public hearing. It would be noticed in the Town's official paper. It would be posted on the Town's website.

Connie Sardo: You could call the Town Clerk's office. You could speak to the Town Clerk, Meg Quackenbush. She could give you all of the Town Board meeting dates.

Mr. Astorino: You could check on those dates and see what would be on the agenda for those Town Board meeting dates.

Diane Ouzoonian: Ok. Thank you.

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

Ed Lennon: I live on Shepard Road. When we talk about drinking water and building warehouses on top of people's drinking water, you brought up a point about notifying the people at Kings Estates. There are two wells on that property. Those wells supply the drinking water to Kings Estates. Because they are not within the 500-foot radius, they should not be notified?

Mr. Astorino: That was not what we had said. We said that it is by law the applicant has to notify within 300 feet. Our job is that if and when this project is built, that it is done properly that it would not affect these Warwick Water Corp. wells.

Ed Lennon: I am not trying to knock you guys.

Mr. Astorino: I am just explaining to you how the process works.

Ed Lennon: I am not knocking the law. But, think about what we are talking about here. We are talking about putting heavy equipment on top of well sites. The people were not notified. Yes, it is within the law, but is it the right thing to do? It would be like saying the reservoirs up in NYS that supply NYC, and they would build an industrial site next to that reservoir, but we would not tell NYC because they are not within 300 feet.

Mr. Astorino: With the analogy that you just made, it would be the same thing up there. They would have to follow the law.

Ed Lennon: I just wanted to have that on the record. It is not fair to those people in Kings Estates. They should know about it. That was all I have to say. Thank you.

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

Jean Petty: I heard what was said about the blacktop. They would be taking it into consideration. I just wanted to reiterate that we really need the blacktop for the water.

Mr. Astorino: That would be something we would review as far as drainage.

Jean Petty: Ok. The applicant also mentioned about the number of trips per day. He mentioned about 5 or 6 trips per day not more than 25 trips per day. You are not talking about 5 or 6 cars. You are talking about 5 or 6 large trucks. They would be diesel machinery. You will have noise and dust. I want to know what would be done to the residential area if this goes through to protect everybody there.

Mr. Astorino: Regarding the noise, it would have to conform to the Town of Warwick noise ordinance. They would have to meet a decibel level. As far as the dust, that would be another issue we would have to look at with the gravel drive.

Jean Petty: At the first meeting, with the documentation that I had given you regarding diesel vehicles, the certain about of decibels that are given out by any diesel vehicles are enough to cause hearing damage. I hope with the number of vehicles that you have, you would take that into consideration with the codes that you have.

Mr. Astorino: We have done that before in the past. We have done it with Mid-State Lumber. This Board has been out there with a noise meter and measured decibels at property lines. We measured decibels off Kings Highway. We are not unfamiliar with it.

Jean Petty: The other issue that I have, you said there would be no gasoline storage. There would be oil storage. Oil as well as gasoline, I heard you say that there would be containment for spills.

Mr. Astorino: There would have to be.

Jean Petty: That is an issue. That is not the only issue. What if there was a fire? Oil could explode. What provisions would be taken in the building to avoid any kind of impact on the residential area if there was a fire? These tanks could explode. Would you contact OSHA to make sure they come in and know the exact amount of oil?

Mr. Astorino: We want to know exactly how much would be stored. Letters would have to be sent to the emergency services of this community knowing exactly what would be in those buildings.

Jean Petty: How much are we going to tolerate living right next to a residential area?

Mr. Astorino: We would have to see. I can't give you that answer on what was proposed. I haven't seen the maps yet.

Jean Petty: I just wanted to have that on the record. The other thing was regarding the SEQR. Are you saying that it has not been completed yet?

Mr. Astorino: It is not completed yet.

Jean Petty: Ok. So, nobody from the DEC or Wildlife Assessment nothing has come through on that yet.

Mr. Astorino: SEQR would have to go through its process. I don't believe there were any endangered species. Ted, is that still something in review?

Mr. Fink: Yes. It is still in the review process. We are going through a long EAF. Each one of those questions on that form would have to be answered properly and completely.

Jean Petty: Who is actually doing that?

Mr. Fink: That hasn't been done yet. We don't have enough information. It is done by a combination of the applicant and the Planning Board. There are three parts to the document. Part one, would be completed by the applicant. They would certify the answers as being true. Part two and Part three, are the assessment of impacts. That looks at impacts on water, air, land, vegetation, wildlife, etc... That would be the responsibility of the Planning Board.

Jean Petty: Is there an outside official from the DEC?

Mr. Fink: No. The DEC doesn't prepare these documents. Every agency in NYS has the responsibility to prepare these documents on their own. It has to be done by every agency whether it would be a State Agency or a Local Agency. That is the way that it has been set up. DEC doesn't prepare SEQR forms for anybody.

Jean Petty: At the last meeting, I thought that we put in a request that they get somebody from the DEC to come and evaluate it.

Mr. Astorino: You don't request the DEC to come down to a site unless they have an issue. Ted, is that correct?

Mr. Fink: Yes.

Mr. Astorino: Unless they have a vested interest. Is that correct?

Mr. Fink: Correct.

Jean Petty: How about the ACOE? Can you ask them with the ecological system that is out there to come and do an assessment?

Mr. Fink: The ACOE gets involved and delineates the extent of a wetland. This is considered a Federal wetland on the property. It is a complicated process. What the ACOE would do is issue what is called a Jurisdictional Determination a/k/a JD letter. That is a confirmation of a wetland that has been delineated by a private Ecologist or a private Biologist that works for the applicant. That is the way the process works. The ACOE only works when they are asked to provide what is called a Jurisdictional Determination.

Jean Petty: That was what I felt was asked at the last meeting. If you look at the maps, you look at a very small segment that they actually did declare in the year 2002 as being a wetland. My theory is when you look at this property and most of you had a chance to come out and look at it, is that they made a wrong determination at the time.

Mr. Astorino: Ted, who had done the wetland on this?

Mr. Fink: There are DEC Wetlands on this property. I believe the DEC puts a timeframe on how long wetland delineation is good for. If it has expired, then the wetlands need to be re-delineated. There is no question about that.

Mr. Astorino: Find that out.

Mr. Fink: The applicant is aware of that issue. That would have to be addressed. We have to know who the regulatory jurisdiction for both the United States, ACOE, as well as the NYSDEC. If there is any disturbance within those areas, then the applicant would have to obtain permits or coverage under the Nationwide Permit for any wetland areas that are disturbed. Those would have to be kept up to date. Typically, it is a few years between delineations. If a delineation expires, it would have to be re-delineated. Just for clarification, those agencies don't normally go out and do wildlife studies or anything like that. All they do is go out and take a look at the vegetation, soils, and they put flags around the area that they consider to be the boundary of wetland area.

Jean Petty: Ok.

Bob Krahulik: Mr. Chairman, we could provide a short update on the DEC delineation.

Anthony Trochiano: We took our certified map from the year 2002 and resubmitted that to the DEC. We asked them for a recertification of the wetlands. Within the last week or two, someone from the New Paltz office of the DEC went up to the site and checked the wetland line. Nothing has changed. I have to provide them with new maps. They would then provide a recertification. We should receive that in a couple of weeks.

Jan Petty: Could he find out what the procedure was when they came out?

Mr. Astorino: When they provide the information to us, then it would be available.

Zen Wojcik: Mr. Chairman, I am certain that they are following their standard procedure. It is the DEC standard procedure for determining where the limit of wetlands is.

Mr. Astorino: I am sure it is.

Jean Petty: Ok. I would like to find out what that procedure is.

Zen Wojcik: It is a federal procedure. You could go to the DEC website.

Jean Petty: Ok. The other issue I have is regarding the driveway. They said the driveway was moved westerly. Where is that?

Mr. Astorino: Yes. There was a gentleman at the last public hearing that didn't want the driveway located directly across from his driveway. The Planning Board did a site visit. The Planning Board happened to agree. We walked the road and found a more suitable site as far as site distance and location. We agreed the driveway should be moved.

Mr. Singer: It will be closer to the railroad track.

Jean Petty: Ok.

Mr. McConnell: It will be further away from that curve and hill so there would be better site distance.

Mr. Astorino: There will be better site distance.

Jean Petty: Ok. The other issue I have is regarding the discharge of water into the bio-retention.

Mr. Astorino: It actually was changed. Zen, is it a low impact design? Is that what we are calling this bio-retention?

Zen Wojcik: Yes.

Mr. Astorino: I believe we spoke to you at the site visit.

Jean Petty: Right.

Mr. Astorino: Essentially, it is not a wet pond any more.

Zen Wojcik: It is not a pond at all.

Jean Petty: What he was saying was from the bio-retention that they are planning on putting would be directed into the wetland. Is that correct?

Mr. Astorino: Yes.

Jean Petty: What kind of impact would that have?

Zen Wojcik: There is an outlet from any of these stormwater management facilities, the water that comes in would have to go somewhere. It just doesn't disappear. There always has to be an outlet in the event that the design storm has been exceeded. The outlet in this case is going towards the wetland. Because the water would be passing through a stormwater management facility, the purpose of which is to retain the storm and to clarify the water, the water that comes out of it could enter into a wetland.

Jean Petty: There are two things on that. One, it goes back to the blacktop. I have to emphasize the blacktop and some of a system with the blacktop as far as irrigating it down.

Zen Wojcik: That would actually make the water dirtier.

Jean Petty: The other thing is that you would be taking out 5 acres of trees. You would be putting that water that would be absorbed; you are saying that it would have to go somewhere. The trees are growing. It is being absorbed through the vegetation. You will be taking 5 acres out. You will be pushing it into a wetland that already has a couple of feet of water in it.

Mr. Astorino: That would be the reason for the bio-retention facility.

Zen Wojcik: The bio-retention facility would handle I believe a 25-year storm. Anthony, is that correct?

Anthony Trochiano: Yes. We actually designed it for the 100-year storm.

Zen Wojcik: When it exceeds that is when it is raining cats and dogs, that would be when the water would come out of this bio-retention facility. Otherwise, what is happening, the bio-retention facility is designed to slowly let the water permeate into the ground after it has been cleaned going through a media of the soil that is in the bio-retention facility. It would then go back into the ground as clean water. The bio-retention facility would have plantings on top of it. That would be only when you see that design storm. We will be having a big storm tomorrow, but I don't think it would come close to a design storm.

Jean Petty: I still have issues with the bio-retention and the blacktop.

Mr. Astorino: That would be something that we still have to review. We still have to review the plans.

Mr. McConnell: We haven't seen those plans yet.

Zen Wojcik: They have revised their plans. We haven't seen that yet.

Jean Petty: Ok. Thank you.

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

Susan Beattie: I live on Lake Station Road. I understand that this is right next to the entrance.

Mr. Astorino: I don't know exactly where it is in relation to your property.

Susan Beattie: It sounds like you are moving it up from Mr. Gilmore's driveway.

Mr. Astorino: Yes. We are moving it up closer to the tracks.

Susan Beattie: Is that the road that exists there right now that you will be doing? A side road exists there right now.

Mr. Astorino: Is that the one that goes right onto your property line? No.

Susan Beattie: Good.

Mr. Astorino: We saw that at the site visit.

Mr. McConnell: You might want to convince him to do some plantings by you for screening.

Mr. Astorino: We did discuss moving the driveway up so it would not be on top of your property that screening would be warranted along the road. We haven't seen the new plans yet. If the screening is not on the new plans, we will inform the applicant.

Susan Beattie: Has there been hours of operation considered for what will be happening there?

Mr. Astorino: Bob, will the applicant be using the standard hours of operation on what is in the code?

Bob Krahulik: We talked about having the hours of operation to be from 6:00 a.m. to 9:00 p.m..

Mr. Astorino: We will have to look in the code. There are hours of operation that are permitted in the code.

Mr. Bollenbach: We will look into that.

Mr. Astorino: We have to go by what the code states.

Susan Beattie: We have the bus garage right across the street. They start up around 8:00 a.m.

Mr. Astorino: I don't want to quote the times that are quoted in the code. But, our Secretary is saying that the hours of operation in the code are from 7:00 a.m. to 7:00 p.m. I am not sure. We will take a look at that.

Susan Beattie: The hours of operation from 7:00 a.m. to 7:00 p.m. would be better. Thank you.

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

Mike Melder: I live on Park Drive. If this whole thing goes through, who will monitor what goes on with the sewage? How much oil will be going into the sewer system?

Mr. Astorino: As far as going where?

Mike Melder: Say they have a big oil spill, who will know about it?

Mr. Astorino: Do you mean inside the building?

Mike Melder: Yes. It will go right into the sewer. Who will be monitoring that?

Mr. Astorino: That could be the same thing for your house. Say that you have an oil spill in your house and it runs down to the storm drains, someone would see it. We don't know how much oil. As we had said before, we would have to clarify on how much oil would be there. We are going to have it in containment. By law, any type of facility would have to have containment. If you or anyone has a spill anywhere in a facility, you have to report that spill. Someone would find out if you have oil running into a sewer system.

Mike Melder: How do you contain that? I have worked for a Surveyor for 5 years. I have never seen any kind of containment.

Mr. Astorino: Containment is fairly simple. I work for the Town DPW. Our shop has 55-gallon drums of oil. It has waste oil and fuel. Everything has to be contained. If you have a 275-gallon tank, you must have containment to contain that.

Mr. McConnell: You would build a little wall around it.

Mike Melder: I have never seen it. That was why I asked.

Mr. Astorino: That is the law. You have to have that. If there is a spill, you would have to have it contained. You would have someone come in and pump it out to stop it from flowing into a stream or what have you.

Mike Melder: Who would be responsible for checking the water that is flowing towards Wickham Lake?

Mr. Astorino: Do you mean as far as the bio-retention pond?

Mike Melder: Who checks the water? How would you know?

Mr. Astorino: If these plans go through, they would have to be reviewed. All of the stormwater and ponds that were put into place would have to be reviewed, and maintained. We can't give you an answer right now on how much oil would be there. We don't know yet.

Mike Melder: Thank you.

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

Beth Renart: I asked you before about trucks not being washed at the site.

Mr. Astorino: There would be no outside storage.

Beth Renart: So, they would take the trucks from the sites and bring them back dirty. They would store the trucks dirty. They are not going wash the treads off.

Mr. Astorino: That would be their call.

Mr. McConnell: You don't have to wash the treads when you are driving it along the road.

Beth Renart: I am talking about the large construction equipment like the excavators.

Mr. Bollenbach: We haven't seen any proposal.

Mr. Astorino: We haven't seen anything on the maps that they would be washing anything out there.

Beth Renart: Ok. I was just curious.

Mr. Astorino: In order to wash a vehicle, it would have to have containment. If you are washing a vehicle, you are blowing around grease and oil, which would be a problem. If there is no outside storage, which the applicant had said to, which we haven't seen the maps yet, that should cover that.

Beth Renart: Ok. Thank you.

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

Maureen Watson: Who is the water company?

Mr. Bollenbach: It is called the Warwick Water Company.

Maureen Watson: Thank you.

Mr. McConnell: If you are interested, you might be able to find out who they are.

Maureen Watson: How would I find out?

Mr. McConnell: You could research with the Secretary of State from the State of New York. They might have owners listed. It is not required. We don't have that information.

Maureen Watson: How do I find out who sold this property?

Mr. McConnell: The sale of real estate is a matter of public record.

Maureen Watson: Do I go to the Town Hall for that?

Mr. McConnell: No. You would go and see the Orange County Clerk.

Maureen Watson: Ok. Thank you.

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

Diane Ouzoonian: My concern is with the water. Is it worth putting something like this on this land with the risk that it could possibly cause pollution to the water? Is it worth putting something like this next to a residential area?

Mr. Astorino: That is something we would have to make a determination on. Actually, the Town Board would have to make a determination if they entertain a petition for this property. As of right now, this property is zoned for this use. As a Planning Board, we just can't say no. If you put 10 houses at that site, you would still have a risk.

Diane Ouzoonian: It would be a different risk. Everyone knows that you don't have 50 gallons of oil in your house. I don't have 50 gallons of oil in my house. I don't know if anyone else has that in their residential house.

Mr. McConnell: How do you heat your house?

Diane Ouzoonian: We have gas. We had a fire in our development. A house burnt down. It was scary. It could have jumped from house to house. There are different things that could happen. Even to calculate for an emergency spill embankment; when you are considering that, you would have to think to yourself if you would want to have that in your backyard.

Mr. Astorino: We consider this on every application.

Diane Ouzoonian: I called the DEC in New Paltz. They were not helpful. I tried to find out about species that are endangered. I don't know how you decide by saying that there is anything there.

Mr. Astorino: We are not saying that there isn't anything. We are going through the SEQR process. If there were anything endangered or threatened, that would be when a red flag would go up. As our Planner had pointed out, we are not through the SEQR process yet. We don't know yet.

Diane Ouzoonian: The land that we have our houses on right now are wetlands. All of the houses in Wickham Knolls are wetlands. Back in 1989 was when they changed the law about the wetlands. Our houses would not have been built. We are experiencing wetlands. To say that area over there is not wetlands is a joke.

Mr. Astorino: We walked that site. We did not walk through wetlands.

Diane Ouzoonian: All I could say is that this is a very dangerous thing. This scares me to death.

Mr. Astorino: To relieve your fears, this Board since I have been on it for 7 years now, we are very thorough with every application. We go through every application on a case-by-case basis. We go through every item.

Diane Ouzoonian: My concern is the water. I came from a place where they had water and there was pollution. It was cancer row. I got cancer myself from that. I would not like to have this happen. If one little thing messes up the water, you can't clean it up. You would never clean it up. Warwick would be known as a little area over there with pollution. It is not going to help Warwick. Thank you.

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

Ed Hodas: I live on Park Drive. They said that they would be operating from 6:00 a.m. to 9:00 p.m.

Mr. Astorino: They will have to do what the Town Code requires.

Ed Hodas: We have school buses that go through there. Who will take care the up keep of the roads with all of that big equipment going through there?

Mr. Astorino: That would be a letter to the Commissioner of DPW to find out the condition of the road.

Ed Hodas: Thank you.

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

Ann Marie Dixon: I live on Grissom Street on the dead end by Sheppard Road. We are talking about sewers coming down. There is a problem there at that dead end. There is sewer drain right at the corner of my house where the stop sign is. That sewer drain clogs up all the time. Water goes right across the street. It takes up the whole street. My concern is hooking into that sewer.

Mr. Astorino: They are not hooking into that sewer. That is a storm sewer. It is not a septic sewer.

Ann Marie Dixon: There are also wetlands there. There is an underground spring there.

Mr. Astorino: That is a catch basin to catch the water runoff. They are not hooking into that. It is not the septic sewer.

Ann Marie Dixon: Ok. My other concern is when you talk about moving and retaining water. My house is at the bottom of the hill. When we have heavy rains, I get water in my garage and laundry room. There is one side of my lawn you could not walk on. I constantly get water and runoff. If it is not directed properly, I will have to get the buckets and boots. That is my concern. Thank you.

Mr. Astorino: Is there anyone else wishing to address the WWC/Pankin application. Let the record show no further public comment. I just want to let the public know that we will be adjourning this application without date until issues are satisfied. You will be re-noticed on when they would have another public hearing. You will know when that date is. You will receive another notice.

Mr. McConnell: If you know anyone within 300 feet of this property that did not receive a notice the last time, now would be the time to inform them. Connie, do you take care of that?

Connie Sardo: I take care of that with the applicant.

Mr. McConnell: Yes. That way when the new notices go out, we are sure that everyone receives one.

Connie Sardo: Yes. They would have to update the list again.

Mr. Astorino: As always, it would be on the Town's website. You could also call the Planning Office for the information.

Mr. Showalter makes a motion to adjourn the WWC/Evan Pankin public hearing without date.

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

Bob Krahulik: Thank you.

PUBLIC HEARING OF Douglas Tinnirello

Application for Final Approval of 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.

Representing the applicant: William Youngblood, Surveyor.

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

Mr. Astorino: Thank you.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.

YIELD PLAN: (DATED 10/15/07, LAST REV 5/21/09)

3. No further comments. Board to consider.

CLUSTER PLAN: (DATED 10/15/07, LAST REV 5/21/09)

4. Revise the stone size in Note 1 of the "Stabilized Construction Entrance" Notes to "1-inch to 4-inch".
5. 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. (An Aquifer Impact Assessment is not required for this application.)
6. Pay parkland fees.
7. Pay outstanding review fees.

The following comment submitted by the Conservation Board, dated 6/17/09:

Douglas Tinnirello – CB has no comments.

The following comment submitted by the ARB:

Douglas Tinnirello – None submitted.

Comment #1: Board to discuss SEQR.

Mr. Fink: The Planning Board has declared Lead Agency on this application. It is an Unlisted Action. The Planning Board has reviewed it using the short EAF. This is a proposed cluster subdivision with 67% of open space proposed. There were a couple of issues we looked at under SEQR. One issue was the water resources. There is a State protected stream and Federal wetlands on the site. The applicant has designed the cluster subdivision in such a way that there would be no physical alterations anywhere near the

wetlands or the protected stream. The property is also located in the Town's protected Aquifer Overlay District. There are some farming operations within 500 feet of the site. The notes have been placed on the plans and will be put into the deeds for the proposed 2 new lots. We looked at screening to the adjacent property to the east. The applicant has proposed plantings of a number of evergreens along the entrance driveway to the two new lots.

Comment #2: Applicant to discuss project.

William Youngblood: It is existing two tax lots. We are looking to eliminate one tax lot and create 2 cluster lots. The yield plan proved that we demonstrated that. We could get 2 developable lots on this existing 11.568-acre parcel. We are proposing a cluster scheme which would have two additional 1-acre lots. The balance would go to the existing house, garage, barn, and shed. In addition, we put a conservation easement around the existing infrastructures. The balance of the property in the approximate amount of 7.78 acres would be proposed as open space. We are utilizing that as a buffer to all the adjoining lots specifically to the south or southwest. This property would be accessed with a private driveway with a 50-foot easement for ingress and egress. It will not be a public road. We had the plans sent to the DOT. We received a letter from the DOT stating that they were satisfied with the sight distance. In addition, currently, there are 2 driveway entrances or 2 driveway curb cuts. We are proposing to eliminate the one curb cut and add one curb cut. We are not adding any additional curb cuts. The DOT is pleased with what we proposed to this date.

YIELD PLAN: (DATED 10/15/07, LAST REV 5/21/09)

Comment #3: No further comments. Board to consider.

Mr. Astorino: Is the Board in a consensus on the yield plan?

Mr. McConnell: Yes.

Mr. Singer: Yes.

Mr. Kowal: Yes.

Mr. Showalter: Yes.

Mr. Astorino: Ok. We have a consensus on the yield plan.

CLUSTER PLAN: (DATED 10/15/07, LAST REV 5/21/09)

Comment #4: Revise the stone size in Note 1 of the "Stabilized Construction Entrance" Notes to "1-inch to 4-inch".

William Youngblood: No problem.

Comment #5: 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. (An Aquifer Impact Assessment is not required for this application.).

William Youngblood: No problem.

Comment #6: Pay parkland fees.

William Youngblood: Ok.

Comment #7: Pay outstanding review fees.

William Youngblood: Ok.

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

Mr. McConnell: We need to put an additional comment on here providing the stone cairns for delineating the open space.

Mr. Astorino: Right. We will add comment #8, provide certification of iron pins and stone cairns at the corners of open space to the Town Engineer's specifications.

William Youngblood: I was involved in another subdivision off Ryerson Road where there was an issue in regards to a standard cairn detail on whether it was a certain type of stones and pipes. Is that the detail we are looking at?

Mr. Astorino: Yes.

Zen Wojcik: We will talk about that.

William Youngblood: Ok.

Mr. Astorino: This is a public hearing. If there is anyone in the audience wishing to address the Douglas Tinnirello application, please rise and state your name for the record.

Mike Cressever: I live on Old Brook Lane. We just recently purchased a house. We have a beautiful view right out our front door. I just want to see where this is. You addressed that it was close to the stream where the open area is.

William Youngblood shows the map to Mike Cressever and shows him the location of the subdivision from his house.

Mike Cressever: I am not sure if my neighbor's property line encompasses those trees. It is right across there.

Mr. Astorino: William, would you be touching any of those trees?

William Youngblood: No. This whole area would remain as open space in its natural state.

Mike Cressever: Ok. Thank you.

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

Norma Mautner: I live on Old Brook Lane. Old Brook Lane goes right in the front. This my fence on my property. This is a meadow.

Mr. Astorino: That is where it will stay. It will stay that way.

Norma Mautner: That is very good news.

Mr. Astorino: Looking at the map, this is where the subdivision is located. This is where the open space will be. That open space will remain open.

Norma Mautner: That is wonderful news. The only thing that is puzzling to me on this site, it shows that it is level over here. But, then it goes up very steep. Would he be putting those two houses on top of that hill?

Mr. Astorino: Yes.

William Youngblood: Yes.

Norma Mautner: I see. Is this the access road from Route 94?

Mr. Astorino: Yes.

William Youngblood: Yes. That is proposed.

Norma Mautner: That is right next to the Tinnirello's and the house he built up here.

William Youngblood: Correct.

Norma Mautner: Ok. Thank you.

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

Mr. McConnell makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: Tinnirello Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed three lot subdivision, Town of Warwick, Orange County, New York, and

Whereas, there are other involved agencies pursuant to SEQR, including the NY State Department of Transportation, and

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 10/13/07, 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. Showalter makes a motion on the Douglas Tinnirello application, granting 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. A SEQR Negative Declaration was adopted on June 17, 2009. Approval is granted subject to the following conditions:

1. Revise the stone size in Note 1 of the "Stabilized Construction Entrance" Notes to "1-inch to 4-inch".
2. 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. (An Aquifer Impact Assessment is not required for this application.).
3. Provide certification of Setting of Iron Pins and Stone Cairns at the corners of opens space.
4. Pay Parkland Fees.
5. Pay Outstanding Review Fees.

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

William Youngblood: Thank you.

Review of Submitted Maps:***Dawn and Douglas Itjen***

Application for sketch plat review for a proposed lot line change, situated on tax parcels S 64 B 3 L 4 and L 5; parcels located on the corner of Cascade Road and Cherry Tree Hill Road, in the CO zone, of the Town of Warwick. Previously discussed at the 2/6/08 Planning Board meeting.

Representing the applicant: John McGloin, PLS. Douglas Itjen, Applicant.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
 - A. Planner to discuss Visual EAF.
2. Applicant to discuss project.
3. Board to discuss site visit.
4. Provide the deed and the recording information on the map for the lot line change.
5. Revise the reference in *Temporary & Permanent Seeding Specifications* Note 3.C.2.B. to the *NYS Standards & Specifications for Erosion & Sediment Control*.
6. According to §§164-40M and 46J(95), dwelling units in the CO zone require a 10,000 sf buildable area with less than a 15% slope. The parcel does not have a suitably sized contiguous area. Board to discuss waiver.
7. A 400' square shall be inscribed within each conforming lot in the CO zone, per §137-21K(1). The proposed lot line change will increase the area of Tax Lot 4 so that it conforms to the Code, but a 400' square cannot be inscribed within the Lot boundaries. Board to discuss waiver.

BEFORE FINAL APPROVAL:

8. Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes and Private Road Use and Maintenance Agreement Notes.
9. Surveyor to certify that iron rods have been set at all property corners.
10. Pay parkland fees.
11. Pay outstanding review fees.

FOR THE RECORD:

12. The applicant has provided a satisfactory Geotechnical Investigation Report finding that the proposed dwelling would not be supported by the Group XII soils, but would have its foundation resting directly on and in the underlying solid bedrock.

WAIVERS & EXEMPTIONS

<i>CODE</i>	<i>ACTIVITY</i>
§§164-40M & 46J(95)	CO zone, 10,000 sf buildable area with less than 15% slope.
§137-21K(1)	CO zone, inscribed 400-ft. square on Tax Lot 4.

The following comment submitted by the Conservation Board, dated 6/17/09:

Dawn and Douglas Itjen – CB has no comments.

The following comment submitted by the ARB:

Dawn and Douglas Itjen – None submitted.

Comment #1: Board to discuss SEQR.

a. Planner to discuss Visual EAF.

Mr. Fink: The Planning Board has declared itself Lead Agency on this application. It is an Unlisted Action. There are some comments in the review comments tonight that relate to SEQR. Those SEQR comments would need to be addressed. The first SEQR issue would be the Visual EAF. We have received a drawing from the applicant regarding the potential visuals. But, the SEQR Visual EAF is a specific document that would need to be put into the file.

John McGloin: No problem.

Comment #2: Applicant to discuss project.

John McGloin: Mr. Itjen is proposing to move the lot line between two existing tax lots. Therefore, he would be creating a better situation in order to be able to construct a home on tax lot #5.

Comment #3: Board to discuss site visit.

Mr. Astorino: Does the Board have anything about the site visit? Ok. The Board doesn't have anything further to say about the site visit.

Comment #4: Provide the deed and the recording information on the map for the lot line change.

John McGloin: We could do that.

Comment #5: Revise the reference in *Temporary & Permanent Seeding Specifications* Note 3.C.2.B. to the *NYS Standards & Specifications for Erosion & Sediment Control*.

John McGloin: We could do that.

Comment #6: According to §§164-40M and 46J(95), dwelling units in the CO zone require a 10,000 sf buildable area with less than a 15% slope. The parcel does not have a suitably sized contiguous area. Board to discuss waiver.

Mr. Astorino: You are aware of that. Do any Board members have any comments? Ok. The Board doesn't have any comments.

Comment #7: A 400' square shall be inscribed within each conforming lot in the CO zone, per §137-21K(1). The proposed lot line change will increase the area of Tax Lot 4 so that it conforms to the Code, but a 400' square cannot be inscribed within the Lot boundaries. Board to discuss waiver.

Mr. Astorino: You are aware of that. Do any Board members have any comments? Ok. The Board doesn't have any comments.

BEFORE FINAL APPROVAL:

Comment #8: Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes and Private Road Use and Maintenance Agreement Notes.

John McGloin: Ok. The Private Road Use and Maintenance Agreement notes might be a difficulty. We are having issues with some of the neighbors in getting some sort of an agreement.

Mr. Bollenbach: We have done agreements on similar roads like California Road and other roads. Something could be accommodated to try to address the concerns.

John McGloin: Ok.

Comment #9: Surveyor to certify that iron rods have been set at all property corners.

John McGloin: No problem.

Comment #10: Pay parkland fees.

John McGloin: Yes.

Comment #11: Pay outstanding review fees.

John McGloin: Yes.

FOR THE RECORD:

Comment #12: The applicant has provided a satisfactory Geotechnical Investigation Report finding that the proposed dwelling would not be supported by the Group XII soils, but would have its foundation resting directly on and in the underlying solid bedrock.

Mr. Astorino: That is for our information. Does the Board have anything further? Zen, would this be the one, where Cherry Tree Hill comes out to Cascade where they were going to put in a trench drain or something for collecting water?

Zen Wojcik: Yes.

WAIVERS & EXEMPTIONS

<i>CODE</i>	<i>ACTIVITY</i>
§§164-40M & 46J(95)	CO zone, 10,000 sf buildable area with less than 15% slope.
§137-21K(1)	CO zone, inscribed 400-ft. square on Tax Lot 4.

John McGloin: The other thing that the Board should be aware of is that the ZBA variance has expired.

Mr. Astorino: You will need to go back to the ZBA.

John McGloin: Subject to, if the Planning Board would be granting an approval, it would be subject to obtaining the variance and getting it extended.

Mr. Astorino: John, on this application with a dwelling proposed, would we need a public hearing.

John McGloin: Ok. I would like to request this application to be set for a public hearing.

Mr. Bollenbach: Ted, are there some SEQR items that would have to be addressed before we could close out SEQR?

Mr. Fink: Yes.

Mr. Bollenbach: On Cascade Road, is there a dedication strip? I think we would need a dedication strip offered on there so we could make it that intersection improvement.

John McGloin: We could do that. We are short on that.

Mr. Bollenbach: It sort of goes both ways. I think the Board would take that into consideration. We don't want to cut it short. But, I think it would be in the Town's best interest. If the Town does have a 25-foot strip along Cascade Road, then they could improve that area and maintain the drainage.

John McGloin: I could do something. I might have to adjust the lot lines slightly because we are slightly over 6 acres. It is 6.074 acres right now with the dedication strip. It might go under the 6-acre mark. That would be up to the Board. The best interest would be to try to keep it above 6-acres.

Mr. Bollenbach: See what you could do.

John McGloin: Ok.

Mr. McConnell makes a motion to set the Dawn and Douglas Itjen application for Final Public Hearing at the next available agenda.

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

Mr. Singer: Could you tell me what the little building is for at the top of the hill?

Douglas Itjen: It is a shed. I plan to use that shed for storage. That shed has been there since the 1940's.

Mr. Singer: What is in it?

Douglas Itjen: There is not much in there. There are some tables in it. My kids use it as a clubhouse.

Mr. Singer: Is there any plumbing in there?

Douglas Itjen: There is no plumbing or electric in the shed. I just refurbished it. I put a new roof on it. I fixed it up so my kids could play there.

Mr. Singer: How do you get to it?

Douglas Itjen: We walk to it.

Mr. Astorino: Ok. Your application has been set for a public hearing.

Mr. Bollenbach: You will need to pursue with that ZBA variance. Go for that right now.

John McGloin: Ok. No problem. Thank you.

Anthony and Sumira Mazza

Application for Sketch Plat Review of a proposed 2-Lot (Minor) subdivision, situated on tax parcel S 29 B 1 L 36; parcel located on the northeasterly side of Pine Island Turnpike 500 feet northwesterly side of Jessup Road, in the RU zone, of the Town of Warwick. ZBA Granted Variances for lot area and setbacks, granted on 2/23/09. Previously discussed at the 8/20/08 Planning Board meeting.

Representing the applicant: John McGloin, PLS.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
 - A. Lead Agency.
2. Applicant to discuss project.
3. FOR THE RECORD – The Applicant obtained area variances from the ZBA on February 23, 2009. Full text of the variance is included on the plans.
4. The applicant has provided the results of analysis of the existing well water (Lot #1), showing it exceeds the NYS Drinking Water Standard for chlorides. The well for Lot #2 has not been installed yet. Board to discuss.
5. Provide the declaration and the recording information on the plan for Agricultural Notes.
6. Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners.
7. Pay outstanding review fees.

The following comment submitted by the Conservation Board, dated 6/17/09:

Anthony and Sumira Mazza – CB has no comments.

The following comment submitted by the ARB:

Anthony and Sumira Mazza – None submitted.

Comment #1: Board to discuss SEQR.
A) Lead Agency.

Mr. Fink: The applicant has submitted a short EAF to the Planning Board. It is an Unlisted Action. The applicant has provided an Ag Data Statement. The Planning Board could go ahead and declare itself Lead Agency.

Mr. Kowal makes a motion for Lead Agency.

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

Resolution Establishing Lead Agency
Unlisted Action Undergoing Uncoordinated Review

Name of Action: Mazza Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by Anthony J. and Sumira Mazza for a \pm 4.491 acre parcel of land located at Pine Island Turnpike, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 7/18/08 was submitted at the time of application, and

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

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

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

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

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

Comment #2: Applicant to discuss project.

John McGloin: We are proposing to create two lots where there are already two existing homes on one tax parcel. They do not conform to the acreage requirement. But, we have received ZBA variances for acreage and setbacks.

Mr. Bollenbach: Is that ZBA variance current?

John McGloin: Yes.

Comment #3: FOR THE RECORD – The Applicant obtained area variances from the ZBA on February 23, 2009. Full text of the variance is included on the plans.

Comment #4: The applicant has provided the results of analysis of the existing well water (Lot #1), showing it exceeds the NYS Drinking Water Standard for chlorides. The well for Lot #2 has not been installed yet. Board to discuss.

Mr. Astorino: Zen, would that need treatment?

Zen Wojcik: Yes. The report that came in notes that the NYS standards 250 ml. They came in with 307 ml. It will need some sort of treatment. Our people suggested reverse osmosis. There might be something else that the applicant might want to use. If they could show it would be effective, the Board might want to consider that.

Mr. Astorino: Ok. That would be something you would have to provide.

John McGloin: I will discuss that with Zen.

Mr. McGloin: We also wanted them to require drilling the other well before.

Mr. Astorino: It will be tested no matter what.

Mr. Bollenbach: Zen, in this particular case, the water availability would not be a question. It would be just the chloride in the water. It would be within limits that would be treatable.

Zen Wojcik: Yes.

Mr. Astorino: Maybe, if they don't drill it before, it would be tested prior to the C of O to make sure that it would get treated.

Mr. McConnell: It would probably be well advised to drill it and test it before they even build it.

Mr. Astorino: Do you want that done before a building permit?

Zen Wojcik: They have been built already.

Mr. Bollenbach: The houses already exists there.

Mr. McConnell: Right. John did say that.

John McGloin: The driveway is there. Everything is already there.

Mr. McConnell: Then, it would be done before the C of O.

Zen Wojcik: Does the Board want to have a note on the plan to that effect?

Mr. Astorino: Yes.

Comment #5: Provide the declaration and the recording information on the plan for Agricultural Notes.

John McGloin: We could do that.

Comment #6: Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners.

John McGloin: Yes.

Comment #7: Pay outstanding review fees.

John McGloin: Ok. We request to be set for a public hearing.

Mr. McConnell makes a motion to set the Anthony and Sumira Mazza application for a Final Public Hearing at the next available agenda.

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

John McGloin: Thank you.

Leslie and Rose Thomson

Application for Sketch Plat Review of a proposed lot line change, situated on tax parcels S 47 B 1 L 81 and L 82.22; parcels located on the eastern side of Bellvale Lakes Road 2.178 miles north of Iron Forge Road, in the MT zone, of the Town of Warwick.

Representing the applicant: Jeremy Valentine from Lehman & Getz Engineering.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. A 350-foot square is not able to be inscribed within proposed Tax Lot 81. Applicant to discuss.
4. Identify and label adjoining property owners and SBL. Show the location of any driveways opposite the road of the applicant's parcels.
5. Shading for areas of slopes greater than 15% is too light.
6. List the area of disturbance.
7. Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes, Agricultural Notes, and Aquifer Protection Overlay Notes. Update the Aquifer Protection Notes to the current standard. (An Aquifer Impact Assessment is not required.) Remove the reference "Deeded" from the declaration for each.
8. Show how stormwater runoff from the proposed driveway and cleared area will be managed on the site.
9. Revise the stone size in Note 1 of the "Gravel Construction Blanket" specification to "1-inch to 4-inch".

The following comment submitted by the Conservation Board, dated 6/17/09:

Leslie and Rose Thomson – CB has no comments.

The following comment submitted by the ARB:

Leslie and Rose Thomson – None submitted.

Comment #1: Board to discuss SEQR.

Mr. Fink: The Planning Board received a short EAF from the applicant. It is an Unlisted Action. There are no other involved agencies. The Planning Board could go ahead and declare Lead Agency.

Mr. Kowal makes a motion for Lead Agency.

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

617.6

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

Name of Action: Thomson Re-Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by Leslie & Rose Thomson for a \pm 54.65 acre parcel of land located at Bellvale Lakes Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 5/19/09 was submitted at the time of application, and

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

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

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

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

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

Comment #2: Applicant to discuss project.

Jeremy Valentine: We are proposing a lot line change to make an existing lot more conforming to today's code.

Mr. Bollenbach: Is construction proposed?

Jeremy Valentine: Construction will be proposed sometime in the future.

Comment #3: A 350-foot square is not able to be inscribed within proposed Tax Lot 81. Applicant to discuss.

Jeremy Valentine: We are requesting a waiver of the 350-foot square rule to lot 81. It would not be practical to shift the lot lines to fit the square of the proximity of the existing driveway.

Comment #4: Identify and label adjoining property owners and SBL. Show the location of any driveways opposite the road of the applicant's parcels.

Jeremy Valentine: Will do.

Comment #5: Shading for areas of slopes greater than 15% is too light.

Jeremy Valentine: We will darken that.

Comment #6: List the area of disturbance.

Jeremy Valentine: Ok.

Comment #7: Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes, Agricultural Notes, and Aquifer Protection Overlay Notes. Update the Aquifer Protection Notes to the current standard. (An Aquifer Impact Assessment is not required.) Remove the reference "Deeded" from the declaration for each.

Jeremy Valentine: Will do.

Comment #8: Show how stormwater runoff from the proposed driveway and cleared area will be managed on the site.

Jeremy Valentine: It is not a steep site where we propose the driveway. It is a little steep behind the septic. In front of the house, we will probably put in a rain garden towards the center of the driveway and towards the beginning of the driveway.

Mr. Astorino: Will you be showing that?

Jeremy Valentine: We will show that on the revised plans.

Comment #9: Revise the stone size in Note 1 of the "Gravel Construction Blanket" specification to "1-inch to 4-inch".

Jeremy Valentine: We will change that.

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

Mr. Singer: We never had an applicant tell us about rain gardens before. We usually tell them.

Jeremy Valentine: It is a small site. There won't be a lot of disturbance. It seemed like a practical option to do.

Mr. Bollenbach: Zen, what is the separation from the existing septic system to the proposed well?

Zen Wojcik: It should be over 100 feet.

Mr. Bollenbach: That is what we are questioning.

Jeremy Valentine: It is 100 feet.

Mr. Astorino: Does this application need a public hearing?

Mr. Bollenbach: Yes.

Mr. Singer makes a motion to set the Leslie and Rose Thomson application for a Final Public Hearing at the next available agenda.

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

Jeremy Valentine: Thank you.

Lands of Allan and Maureen Mante

Application for Sketch Plat Review of a proposed 2-Lot (Major) subdivision, situated on tax parcel S 47 B 1 L 78.234; parcel located on the eastern side of Bellvale Lakes Road and 2,725 feet south of Rabbit Hill Road, in the MT zone, of the Town of Warwick. ZBA granted 280a variance granted on, 4/27/09. Previously discussed at the 3/18/09 & 4/15/09 Planning Board meetings.

Representing the applicant: Chris Rainato, from Kirk Rother Engineering.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
 - A. Lead Agency
2. Applicant to discuss project.
3. There is insufficient topographic information on the plan to determine if the 10,000 sf Buildable Area is located on slopes less than 15% in grade.
4. Cite the wetland delineator and date. Did the wetland delineator check for wetlands associated with seeps, etc., on proposed Lot #2?
5. Soils in the proposed development location have been mapped as SXD, a Group XII soil where septic systems shall not be installed, according to §137 Appendix A. Applicant’s engineer should consider whether the mapped soil is consistent with the site and either relocate the development area or, following the Planning Board’s “poor soil” protocol, confirm that the soil in the development area is a suitable type inclusion.
6. Label the limit of the common driveway on the plan. Provide a typical pavement section for the common driveway.
7. A rip-rap apron is shown adjacent to common driveway/driveway Sta. 13+00. Is there a pipe discharging onto this apron? Provide stone sizing calculations for all rip-rap aprons. If stormwater will be discharging at this point into the adjacent parcel (N/F Hagen SBL 47-1-78.233) at a greater volume and/or velocity than existing overland flow, applicant to obtain an easement. Provide supporting calculations.
8. On the Subdivision Plan, at common driveway Sta. 11+00, text and linework are overlapped. The detail of this area provided in an Insert has leaders without text and leaders pointing to nothing. Clarify.
9. The proposed lot #2 does not accommodate the Town’s square rule. Applicant requests a waiver.
10. The area of the sight triangle to the left is over a parcel N/F Mante SBL 47-1-78.232. Provide an easement for the maintenance of a clear sight distance triangle.
11. Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes, Agricultural Notes, Aquifer Protection Overlay Notes, Private Road Use and Maintenance Agreement Notes, and Sight Distance Triangle Maintenance Easement Notes.

WAIVERS & EXEMPTIONS

<i>CODE</i>	<i>ACTIVITY</i>
§137-21K.(1)	Shape of lots. Waiver from the requirement to inscribe a 350-foot square within proposed lot #2’s boundary.

The following comment submitted by the Conservation Board, dated 6/17/09:

Lands of Allan and Maureen Mante – CB has no comments, except to note that the soils are not suitable for septic systems.

The following comment submitted by the ARB:

Lands of Allan and Maureen Mante – None submitted.

Comment #1: Board to discuss SEQR.

A. Lead Agency

Mr. Fink: This application went to the ZBA for 280a variance. The Planning Board did not take action under SEQR pending received of variances from the ZBA. It is an Unlisted Action. There are no other involved agencies. The Planning Board could go ahead and declare Lead Agency.

Mr. Singer makes a motion for Lead Agency.

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

617.6

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

Name of Action: Mante Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application Allen and Maureen Mante for a ± 11.9140 acre parcel of land located at Bellvale Lakes Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 2/19/09 was submitted at the time of application, and

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

Whereas, the Planning Board has determined that the proposed project is within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) apply meaning that an Agricultural Data Statement must be filed,

forwarded to the owners of farm operations within 500 feet of the site and then considered by the Planning Board, and

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

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

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

Comment #2: Applicant to discuss project.

Chris Rainato: The project is a proposed 2-Lot subdivision. It is located on the eastern side of Bellvale Lakes Road within the MT zone. It is a subdivision of 2 parcels approximately 11.9 acres. One parcel will be landlocked with no road frontage. We have received a 280a variance from the ZBA.

Comment #3: There is insufficient topographic information on the plan to determine if the 10,000 sf Buildable Area is located on slopes less than 15% in grade.

Chris Rainato: We will move the 10,000 square-foot buildable area box into slopes that we have already located within 15% grade.

Comment #4: Cite the wetland delineator and date. Did the wetland delineator check for wetlands associated with seeps, etc., on proposed Lot #2?

Chris Rainato: We will cite the needed information. We are waiting to hear back from our wetland delineator.

Comment #5: Soils in the proposed development location have been mapped as SXD, a Group XII soil where septic systems shall not be installed, according to §137 Appendix A. Applicant's engineer should consider whether the mapped soil is consistent with the site and either relocate the development area or, following the Planning Board's "poor soil" protocol, confirm that the soil in the development area is a suitable type inclusion.

Chris Rainato: Will do.

Comment #6: Label the limit of the common driveway on the plan. Provide a typical pavement section for the common driveway.

Chris Rainato: Ok.

Comment #7: A rip-rap apron is shown adjacent to common driveway/driveway Sta. 13+00. Is there a pipe discharging onto this apron? Provide stone sizing calculations for all rip-rap

aprons. If stormwater will be discharging at this point into the adjacent parcel (N/F Hagen SBL 47-1-78.233) at a greater volume and/or velocity than existing overland flow, applicant to obtain an easement. Provide supporting calculations.

Chris Rainato: Will do.

Comment #8: On the Subdivision Plan, at common driveway Sta. 11+00, text and linework are overlapped. The detail of this area provided in an Insert has leaders without text and leaders pointing to nothing. Clarify.

Chris Rainato: We will clarify that.

Comment #9: The proposed lot #2 does not accommodate the Town's square rule. Applicant requests a waiver.

Chris Rainato: We will request a waiver.

Comment #10: The area of the sight triangle to the left is over a parcel N/F Mante SBL 47-1-78.232. Provide an easement for the maintenance of a clear sight distance triangle.

Chris Rainato: We will re-analyze the sight triangle to see if an easement would be necessary.

Zen Wojcik: Mr. Chairman, this was a subdivision of a parcel that was created from an older subdivision. I am not clear if the Mante that owns that property along the road is the same Mante that owns this property. I believe it was the father that originally had done the subdivision. If it is the same owner, then that would resolve the issue about maintaining that sight distance clearing. If you could, verify if the ownership is the same or not.

Chris Rainato: Ok. We will do that.

Comment #11: Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes, Agricultural Notes, Aquifer Protection Overlay Notes, Private Road Use and Maintenance Agreement Notes, and Sight Distance Triangle Maintenance Easement Notes.

Chris Rainato: Will do. Could we be set for a public hearing?

Zen Wojcik: In the Bulk Table, because this is in the MT zone, Special Conditions # 4 and #5 apply. Special Condition # 4 has to do with open area development roads. John, I don't know if what they are proposing here is a driveway or common driveway and if that is consistent with the requirements of Special Conditions #4 and #5.

Mr. Bollenbach: I would have to take a look at that.

Mr. Astorino: We could set this application for a public hearing.

WAIVERS & EXEMPTIONS

<i>CODE</i>	<i>ACTIVITY</i>
§137-21K.(1)	Shape of lots. Waiver from the requirement to inscribe a 350-foot square within proposed lot #2's boundary.

Mr. McConnell makes a motion to set the Allan and Maureen Mante application for a Preliminary Public Hearing at the next available agenda.

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

Chris Rainato: Thank you.

Other Considerations:

1. Planning Board to discuss Zoning Recommendations to the Town Board regarding animals.

Mr. Astorino: Do any Board members have anything on that? Is it ok the way it is?

All of the Planning Board members agree on the Zoning recommendations regarding animals that it is fine the way it is written.

2. **Mongelluzzo Subdivision** – Letter from Kirk Rother, dated 5/21/09 addressed to the Planning Board – in regards to the Mongelluzzo Subdivision requesting a 3rd 6-Month Extension on Preliminary Approval of a proposed 2-Lot cluster subdivision, situated on tax parcel S 31 B 2 L 44.32; parcel located on the southeasterly side of Ackerman Road 1200± feet off of intersection of Kings Highway, in the RU zone. Preliminary Approval was granted on, 11/21/07. *The applicant is currently in the process of securing NYSDEC stream-crossing permit approval.* The 3rd 6-Month Extension becomes effective on, 5/21/09. **ESCROW OK.**

Mr. Showalter makes a motion on the Mongelluzzo Subdivision, granting a 6-Month Extension on Preliminary Approval of a proposed 2-Lot cluster subdivision, SBL # 31-2-44.32. Preliminary Approval was granted on, 11/21/07. The 3rd 6-Month Extension becomes effective on, 5/21/09.

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

3. **Meadowbrook Farms / Nop #2** – Letter from Mark Stern, dated 6/3/09 addressed to the Planning Board - in regards to Meadowbrook Farms / Nop #2 Subdivision requesting ***“Re-Approval”*** of Final Approval of a proposed 35-Lot cluster subdivision, situated on tax parcels S 29 B 1 L 65.12 and L 63; parcels located on the northwestern side of Union Corners Road across from Sargent Road, in the RU/AI zones. Final Approval was granted on, 8/6/08. 6-Month Extension was granted on 2/4/09 became effective on, 2/6/09. *The applicant is experiencing economic difficulties and the purchaser of the project does not wish to proceed at this time.* ***“Re-Approval”*** of Final Approval becomes effective on, 8/6/09, subject to the conditions of Final Approval granted on, 8/6/08.

Mr. Astorino: I received a call from Mr. Distelburger on this matter. They cannot get the financing from the purchaser right now. They cannot get the money to come through in order to close the deal.

Mr. Showalter makes a motion on the Meadowbrook Farms/Nop #2 application, granting **“Re-Approval”** of Final Approval of a proposed 35-Lot cluster subdivision, situated on tax parcels S 29 B 1 L 65.12 and L 63; parcels located on the northwestern side of Union Corners Road across from Sargent Road, in the RU/AI zones of the Town of Warwick, County of Orange, State of New York, subject to the conditions of Final Approval granted on, 8/6/08. The “Re-Approval” of Final Approval becomes effective on, 8/6/09.

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

4. **Perry Subdivision** – Letter from Yolanda Perry, dated 6/10/09 addressed to the Planning Board – in regards to the Perry Subdivision requesting a 6-Month Extension on “Re-Approval” of Final Approval of a proposed 2-Lot subdivision, situated on tax parcel S 58 B 2 L 11.22; parcel located on the right side of Alexander Road 1500 feet north of Old Dutch Hollow Road, in the MT 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 has submitted the maps for final review in May 2009. The applicant’s engineer and Town Engineer have been working closely on the conditions of the approval that are required.* The 6-Month Extension becomes effective on, 6/5/09.

Mr. McConnell: Mr. Chairman, I am looking at the letter from Mrs. Perry. She has stated in the letter that the maps submitted were unacceptable. Zen, could you tell us what that was about?

Zen Wojcik: There were some items missing. There were some inconsistencies.

Mr. McConnell: What do you mean by missing?

Zen Wojcik: They had not replied satisfactorily to the conditions. When this Board gives a conditional approval and I receive a set of plans for review, I check to see if the conditions have been met. If the conditions have been met, then we sign off on them. When they meet all of the conditions, then we ask the Chairman to sign the plans. This plan has not met all of the conditions yet.

Mr. McConnell: Was there any attempt to explain why? Did we miss it? Do we think you are full of means?

Zen Wojcik: They have no means to argue with me. I can’t change the conditions.

Mr. McConnell: Right.

Zen Wojcik: They supplied me with plans that did not have all of the information on it. I don’t ask them why it doesn’t have it.

Connie Sardo: The Perry’s engineer is working on this matter. They realize it. They are almost done. It should be resubmitted anytime soon.

Mr. Astorino: Zen, you’re working with them now on it. Is that correct?

Zen Wojcik: Yes.

Mr. McConnell: Thank you for your diligence.

Mr. Kowal: It says in the letter that the applicant's engineer and Town Engineer have been working closely on it.

Mr. McConnell makes a motion on the Perry Subdivision, granting a 6-Month Extension on "Re-Approval" of Final Approval of a proposed 2-Lot subdivision, situated on tax parcel S 58 B 2 L 11.22. 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. Showalter. Motion carried; 5-Ayes.

5. Planning Board Minutes of 5/6/09 & 5/20/09 for Planning Board Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 5/6/09 & 5/20/09.

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

Correspondences:

1. Memo from John Batz, Building Inspector, dated 6/11/09 addressed to the Planning Board in regards to West Street Extension designation.

Mr. Astorino: That memo is in our packets for our information.

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 June 17, 2009 Planning Board meeting.

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