

TOWN OF WARWICK PLANNING BOARD

July 21, 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, July 21, 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 Normajeon Fusco**

Application for Final Approval of a proposed 12-Lot + 1-Affordable Home cluster subdivision and Special Use Permit for the Affordable Home, entitled, *Fusco Subdivision*, situated on tax parcel S 18 B 1 L 31.2; parcel located on the southern side of Taylor Road with Jessup Road in the RU zone, of the Town of Warwick, County of Orange, State of New York. The proposed subdivision was classified by the Town of Warwick Planning Board, acting as Lead Agency under the State Environmental Quality Review Act (SEQR), as a Type 1 Action. On September 2, 2009 the Planning Board issued a SEQR Negative Declaration on the action. Preliminary Approval was subsequently granted on September 2, 2009.

Representing the applicant: Dave Higgins from Lanc & Tully Engineering. Ira Emmanuel, Attorney.

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

Mr. Astorino: Thank you.

The following review comment submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments:
  - a. What is the type and source of contamination in the existing well located near the entrance to Lots 12 and 13?
    - i. When the Applicant purchased this property, this well tested positive for bacteria; rather than treat the bacteria, the Applicant chose to install a new well (near Lot 9); as required by the subdivision drawings, this abandoned well will be closed in accordance with AWWA standards.
4. Architectural Review Board – no comments.
5. OCPD: GML letter dated 06/17/10 contained advisory comments related to open space connection and shared driveway agreements.

6. A Geotechnical Soil Evaluation Report has been submitted, prepared by Advance Testing, dated 05/26/10. If agreed by the Applicant, HDR will conduct structural analysis for the roadbed.
7. Construction cost estimate review submitted July 20, 2010; pending HDR review
8. The Planning Board may request that the proposed bridges/culverts be bonded by the Applicant for the purpose of providing inspection fees
9. A note should be added to the plans stating that there will be no temporary or permanent construction of any kind in the wetland area. This may require that the wetland area in the area of the crossings be clearly marked.
10. Sheet 1, Note 27 shall be modified to include "...to Planning Board Attorney's Specifications."
11. Lot 1 will retain the Open Space, but with deed restrictions; this verbiage must be agreed upon and placed on the plans by declaration.

**Technical Bridge Review:** HDR did not perform a detailed design review of all aspects of the precast three-sided arch bridge system (bridge culvert) drawings, calculations and supporting reports. Rather, HDR reviewed the information provided for the three proposed bridge culverts for general conformance with NYSDOT Standards and to highlight areas of concern for the Town of Warwick.

Note that HDR's review did not include the following items: pipe culverts, utility boxes, manholes, septic tank structures, trench drains, permanent check dams, etc. HDR's review was of the three bridge culvert structures only.

12. The plans provided do not show the layout of each bridge culvert in the field. The grading and utility plans provide basic information as to the location of the bridge culverts but more information should be provided to ensure their proper layout. At a minimum, we recommend that the following information be added to the drawings:
  - a. Horizontal alignment information with stationing and offsets for all working points
  - b. Vertical alignment information with cross-slope and elevations for all working points
  - c. Begin and end stations and skew angles
  - d. Coordinates for all working points
13. In general, the bridge culvert drawings do not show the level of detail necessary to satisfy NYSDOT Standards. It is HDR's assumption that the supplier of these precast bridge culverts will provide all of the necessary information in their shop drawings, including but not limited to:
  - a. Complete dimensions for all precast elements
  - b. Complete detailing of all concrete reinforcement, including bar sizes, spacing, laps, hooks and coverThese shop drawings should be prepared and submitted for review by HDR prior to casting.
14. A copy of all shop drawings must be submitted to the Town for record keeping purposes.
15. The plans provided do not show any railings over the bridge culverts. HDR recommends that a NYSDOT approved bridge rail be provided on each of the culverts.
16. In addition to the bridge rail across the bridge culverts, HDR recommends that additional guide rail be provided on the both approaches to each bridge culvert and that a NYSDOT approved transition between the guide rail and bridge rail also be provided.
17. The plans provided do not show any details for the excavation and backfill of the bridge culverts. In addition there are no details for the transition from the bridge culvert to the approach roadway or driveways. HDR recommends that these details be included in the plans.

18. The Planning Board will need to determine the necessity of having a qualified representative from the Town on site during construction of the bridge culverts to ensure that the contractor constructs them according to the approved shop drawing plans.
19. No hydraulic analysis was provided to HDR for review. HDR recommends that the designer provide all of the design calculations for the hydraulic analysis of each bridge culvert including but not limited to, the effect that the construction of each proposed bridge culvert will have on the creek flood elevations, scour design, hydraulic model of the creek showing that each bridge culvert opening has been properly sized, and all other analysis required for the design of the bridge culverts.
20. No foundation report was provided to HDR for review. HDR recommends that the designer provide all of the design calculations for the foundation of each bridge culvert including the design of wingwalls.
21. On Sheet 5 of 12, there is a note that reads "Reduce road width to 12 FT. at box culvert." There are no details for this reduction. HDR suggests that a roadway plan is provided showing details of this narrowing as well as the inclusion of appropriate roadway signage warning motorists of this condition.
22. On Sheet 12 of 12, Note 1 reads "Prior to Construction, the applicant/homeowner shall submit detailed plans for the concrete culverts to the Town of Warwick Building Department." Why isn't the project designer submitting this information now?
23. The items listed below are not required for proper construction of the bridge culverts, but should be included on the drawings to facilitate future inspections, maintenance, and rehabilitation efforts. HDR recommends that the following information be added to the drawings:
  1. Hydraulics data table for each bridge culvert
  2. Boring location plan and general subsurface profile for each bridge culvert
  3. Locations of utilities in relation to each bridge culvert
  4. Level 1 Load Rating data table and calculations
24. The declaration information for the Ridgeline and Agricultural Notes will need to be shown on the drawing.
25. A legal description and declaration for the dedication strip to the Town for highway purposes will need to be submitted.
26. Surveyor to certify that iron rods have been set at all property corners.
27. Payment of recreation fees.
28. Payment of all fees.

The following comment submitted by the Conservation Board, dated 7/21/10:

Normajeon Fusco - CB would like to have some additional information on the on-site contaminated well. What is the type and source of the contamination, etc.?

The following comment submitted by the ARB:

Normajeon Fusco – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: The following SEQR comment has been prepared by Mr. Ted Fink, dated 7/21/10: "The Planning Board declared itself Lead Agency and issued a Negative Declaration on this action. Subsequently, the Planning Board issued Preliminary Plat Approval. There have been no significant changes between Preliminary and Final approval that would potentially create adverse environmental impacts. Therefore, no further SEQR review is required".

Comment #2: Applicant to discuss project.

Dave Higgins: We have previously received preliminary approval and OCHD approval on this proposed 13-Lot subdivision. We are here tonight to seek final approval on this 13-lot subdivision.

Comment #3: Conservation Board comments:

- a. What is the type and source of contamination in the existing well located near the entrance to Lots 12 and 13?
  - i. When the Applicant purchased this property, this well tested positive for bacteria; rather than treat the bacteria, the Applicant chose to install a new well (near Lot 9); as required by the subdivision drawings, this abandoned well will be closed in accordance with AWWA standards.

Comment #4: Architectural Review Board – no comments.

Comment #5: OCPD: GML letter dated 06/17/10 contained advisory comments related to open space connection and shared driveway agreements.

Mr. Bollenbach: We could strike comment #5. We could also strike comments #1, #2 and #4..

Comment #6: A Geotechnical Soil Evaluation Report has been submitted, prepared by Advance Testing, dated 05/26/10. If agreed by the Applicant, HDR will conduct structural analysis for the roadbed.

Mr. Bollenbach: Does the applicant agree to that?

Dave Higgins: Yes.

Laura Barca: Does the applicant agree with the Town to do that?

Mr. Bollenbach: The answer is yes.

Comment #7: Construction cost estimate review submitted July 20, 2010; pending HDR review.

Dave Higgins: Yes. We are waiting for confirmation on that.

Comment #8: The Planning Board may request that the proposed bridges/culverts be bonded by the Applicant for the purpose of providing inspection fees.

Mr. Astorino: Is the Board in agreement on that?

Mr. McConnell: We discussed that at the Work Session. The Board is in agreement on that.

Mr. Astorino: Ok.

Comment #9: A note should be added to the plans stating that there will be no temporary or permanent construction of any kind in the wetland area. This may require that the wetland area in the area of the crossings be clearly marked.

Dave Higgins: Will do.

Comment #10: Sheet 1, Note 27 shall be modified to include "...to Planning Board Attorney's Specifications."

Dave Higgins: Will do.

Ira Emmanuel: We understand that.

Comment #11: Lot 1 will retain the Open Space, but with deed restrictions; this verbiage must be agreed upon and placed on the plans by declaration.

Dave Higgins: Will do.

Mr. Astorino: Regarding the Technical Bridge Review comments, we will list comments 12 through 23 for the record.

Dave Higgins: We would like to provide that information upon the issuance of a building permit.

Mr. Bollenbach: If there is additional review time, HDR will bill that.

Mr. Astorino: John, maybe we could put a note to that effect.

Mr. McConnell: The note should state that the applicant is to pay the additional fees.

Ira Emmanuel: That would be fine.

Mr. Bollenbach: We will add to the technical bridge review comment to state as follows; *"HDR's review was of the three bridge culvert structures only. HDR to be reimbursed by effected lot owners with review to be completed prior to the issuance of a building permit."*

Ira Emmanuel: Ok.

Dave Higgins: Thank you.

**Technical Bridge Review:** HDR did not perform a detailed design review of all aspects of the precast three-sided arch bridge system (bridge culvert) drawings, calculations and supporting reports. Rather, HDR reviewed the information provided for the three proposed bridge culverts for general conformance with NYSDOT Standards and to highlight areas of concern for the Town of Warwick.

Note that HDR's review did not include the following items: pipe culverts, utility boxes, manholes, septic tank structures, trench drains, permanent check dams, etc. HDR's review was of the three bridge culvert structures only.

Comment #12: The plans provided do not show the layout of each bridge culvert in the field. The grading and utility plans provide basic information as to the location of the bridge culverts but more information should be provided to ensure their proper layout. At a minimum, we recommend that the following information be added to the drawings:

- a) Horizontal alignment information with stationing and offsets for all working points
- b. Vertical alignment information with cross-slope and elevations for all working points
- c. Begin and end stations and skew angles
- d. Coordinates for all working points

Comment #13: In general, the bridge culvert drawings do not show the level of detail necessary to satisfy NYSDOT Standards. It is HDR's assumption that the supplier of these precast bridge culverts will provide all of the necessary information in their shop drawings, including but not limited to:

- a. Complete dimensions for all precast elements
- b. Complete detailing of all concrete reinforcement, including bar sizes, spacing, laps, hooks and cover

These shop drawings should be prepared and submitted for review by HDR prior to casting.

Comment #14: A copy of all shop drawings must be submitted to the Town for record keeping purposes.

Comment #15: The plans provided do not show any railings over the bridge culverts. HDR recommends that a NYSDOT approved bridge rail be provided on each of the culverts.

Comment #16: In addition to the bridge rail across the bridge culverts, HDR recommends that additional guide rail be provided on the both approaches to each bridge culvert and that a NYSDOT approved transition between the guide rail and bridge rail also be provided.

Comment #17: The plans provided do not show any details for the excavation and backfill of the bridge culverts. In addition there are no details for the transition from the bridge culvert to the approach roadway or driveways. HDR recommends that these details be included in the plans.

Comment #18: The Planning Board will need to determine the necessity of having a qualified representative from the Town on site during construction of the bridge culverts to ensure that the contractor constructs them according to the approved shop drawing plans.

Comment #19: No hydraulic analysis was provided to HDR for review. HDR recommends that the designer provide all of the design calculations for the hydraulic analysis of each bridge culvert including but not limited to, the effect that the construction of each proposed bridge culvert will have on the creek flood elevations, scour design, hydraulic model of the creek showing that each bridge culvert opening has been properly sized, and all other analysis required for the design of the bridge culverts.

Comment #20: No foundation report was provided to HDR for review. HDR recommends that the designer provide all of the design calculations for the foundation of each bridge culvert including the design of wingwalls.

Comment #21: On Sheet 5 of 12, there is a note that reads "Reduce road width to 12 FT. at box culvert." There are no details for this reduction. HDR suggests that a roadway plan is provided showing details of this narrowing as well as the inclusion of appropriate roadway signage warning motorists of this condition.

Comment #22: On Sheet 12 of 12, Note 1 reads "Prior to Construction, the applicant/homeowner shall submit detailed plans for the concrete culverts to the Town of Warwick Building Department." Why isn't the project designer submitting this information now?

Comment #23: The items listed below are not required for proper construction of the bridge culverts, but should be included on the drawings to facilitate future inspections, maintenance, and rehabilitation efforts. HDR recommends that the following information be added to the drawings:

1. Hydraulics data table for each bridge culvert
2. Boring location plan and general subsurface profile for each bridge culvert
3. Locations of utilities in relation to each bridge culvert
4. Level 1 Load Rating data table and calculations

Comment #24: The declaration information for the Ridgeline and Agricultural Notes will need to be shown on the drawing.

Dave Higgins: Will do.

Comment #25: A legal description and declaration for the dedication strip to the Town for highway purposes will need to be submitted.

Dave Higgins: Will do.

Mr. Bollenbach: That should be submitted for approval by the Town Board.

Comment #26: Surveyor to certify that iron rods have been set at all property corners.

Dave Higgins: Ok. You should add to that comment "stone cairns" at corners of opens space."

Mr. McConnell: Let us go back to comment #25. It should say for Town Board consideration.

Mr. Bollenbach: Yes, it would need to be submitted for the Town Board's consideration.

Mr. McConnell: Ok.

Comment #27: Payment of recreation fees.

Ira Emmanuel: We understand that.

Comment #28: Payment of all fees.

Ira Emmanuel: We understand that.

Mr. Astorino: Does the Board or Professionals have any other comments?

Mr. Bollenbach: We will need to add a comment #29, provide additional declarations to the Planning Board Attorney's specifications.

Mr. Astorino: Ok. This is a public hearing. If there is anyone in the audience wishing to address the Normajeon Fusco application, please rise and state your name for the record. Let the record show no public comment.

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

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

Mr. Kowal makes a motion on the Normajeon Fusco application, granting Final Approval and Special Use Permit was for a proposed 12-Lot + 1-Affordable Home cluster subdivision, situated on tax parcel S 18 B 1 L 1.2; parcel located on the southern side of Taylor Road with Jessup Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. The proposed subdivision was classified by the Town of Warwick Planning Board, acting as Lead Agency under the State Environmental Quality Review Act (SEQR), as a Type 1 Action. On September 2, 2009 the Planning Board issued a SEQR Negative Declaration on the action. Preliminary Approval was subsequently granted on September 2, 2009. Final Approval is granted subject to the following conditions:

1. Conservation Board comments:
  - e. What is the type and source of contamination in the existing well located near the entrance to Lots 12 and 13?
    - i. When the Applicant purchased this property, this well tested positive for bacteria; rather than treat the bacteria, the Applicant chose to install a new well (near Lot 9); as required by the subdivision drawings, this abandoned well will be closed in accordance with AWWA standards.
2. A Geotechnical Soil Evaluation Report has been submitted, prepared by Advance Testing, dated 05/26/10. HDR will conduct structural analysis for the roadbed.
3. Construction cost estimate review submitted July 20, 2010; pending HDR review
4. The Planning Board may request that the proposed bridges/culverts be bonded by the Applicant for the purpose of providing inspection fees
5. A note should be added to the plans stating that there will be no temporary or permanent construction of any kind in the wetland area. This may require that the wetland area in the area of the crossings be clearly marked.
6. Sheet 1, Note 27 shall be modified to include "...to Planning Board Attorney's Specifications."
7. Lot 1 will retain the Open Space, but with deed restrictions; this verbiage must be agreed upon and placed on the plans by declaration to Planning Board Attorney's specifications.

**Technical Bridge Review:** HDR did not perform a detailed design review of all aspects of the precast three-sided arch bridge system (bridge culvert) drawings, calculations and supporting reports. Rather, HDR reviewed the information provided for the three proposed bridge culverts for general conformance with NYSDOT Standards and to highlight areas of concern for the Town of Warwick.

Note that HDR's review did not include the following items: pipe culverts, utility boxes, manholes, septic tank structures, trench drains, permanent check dams, etc. HDR's review was of the three bridge culvert structures only. HDR to be reimbursed by effected lot owners with review to be completed prior to the issuance of a Building Permit.

8. The plans provided do not show the layout of each bridge culvert in the field. The grading and utility plans provide basic information as to the location of the bridge culverts but more information should be provided to ensure their proper layout. At a minimum, we recommend that the following information be added to the drawings:
  - a. Horizontal alignment information with stationing and offsets for all working points

- b. Vertical alignment information with cross-slope and elevations for all working points
  - c. Begin and end stations and skew angles
  - d. Coordinates for all working points
9. In general, the bridge culvert drawings do not show the level of detail necessary to satisfy NYSDOT Standards. It is HDR's assumption that the supplier of these precast bridge culverts will provide all of the necessary information in their shop drawings, including but not limited to:
- a. Complete dimensions for all precast elements
  - b. Complete detailing of all concrete reinforcement, including bar sizes, spacing, laps, hooks and cover
- These shop drawings should be prepared and submitted for review by HDR prior to casting.
10. A copy of all shop drawings must be submitted to the Town for record keeping purposes.
11. The plans provided do not show any railings over the bridge culverts. HDR recommends that a NYSDOT approved bridge rail be provided on each of the culverts.
12. In addition to the bridge rail across the bridge culverts, HDR recommends that additional guide rail be provided on the both approaches to each bridge culvert and that a NYSDOT approved transition between the guide rail and bridge rail also be provided.
13. The plans provided do not show any details for the excavation and backfill of the bridge culverts. In addition there are no details for the transition from the bridge culvert to the approach roadway or driveways. HDR recommends that these details be included in the plans.
14. The Planning Board will need to determine the necessity of having a qualified representative from the Town on site during construction of the bridge culverts to ensure that the contractor constructs them according to the approved shop drawing plans.
15. No hydraulic analysis was provided to HDR for review. HDR recommends that the designer provide all of the design calculations for the hydraulic analysis of each bridge culvert including but not limited to, the effect that the construction of each proposed bridge culvert will have on the creek flood elevations, scour design, hydraulic model of the creek showing that each bridge culvert opening has been properly sized, and all other analysis required for the design of the bridge culverts.
16. No foundation report was provided to HDR for review. HDR recommends that the designer provide all of the design calculations for the foundation of each bridge culvert including the design of wingwalls.
17. On Sheet 5 of 12, there is a note that reads "Reduce road width to 12 FT. at box culvert." There are no details for this reduction. HDR suggests that a roadway plan is provided showing details of this narrowing as well as the inclusion of appropriate roadway signage warning motorists of this condition.
18. On Sheet 12 of 12, Note 1 reads "Prior to Construction, the applicant/homeowner shall submit detailed plans for the concrete culverts to the Town of Warwick Building Department." Why isn't the project designer submitting this information now?
19. The items listed below are not required for proper construction of the bridge culverts, but should be included on the drawings to facilitate future inspections, maintenance, and rehabilitation efforts. HDR recommends that the following information be added to the drawings:
5. Hydraulics data table for each bridge culvert
  6. Boring location plan and general subsurface profile for each bridge culvert
  7. Locations of utilities in relation to each bridge culvert
  8. Level 1 Load Rating data table and calculations
20. The declaration information for the Ridgeline and Agricultural Notes will need to be shown on the drawing.

21. A legal description and deed for the dedication strip on Taylor Road to the Town for highway purposes will need to be submitted for Town Board's consideration.
22. Provide additional declarations (ie: affordable housing, common driveway, private road, driveway culvert, and drainage Use and Maintenance Agreement, Homeowners Association, no further subdivision, model home and open space notes, easements for access and drainage etc...) to Planning Board Attorney's specifications.
23. Surveyor to certify that iron rods have been set at all property corners and stone carins at corners of open space.
24. Payment of Performance Bond and Landscape Bond.
25. Payment of Inspection Fees.
26. Payment of Parkland Fees.
27. Payment of all fees.

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

Dave Higgins: Thank you.

Ira Emmanuel: Thank you.

**PUBLIC HEARING OF John G. Pennings**

Application for Final Approval of a proposed 3-Residential Lots + 1-Commercial Lot subdivision, situated on tax parcel S 63 B 1 L 1.22 ; parcel located on the corner of Pennings Lane and Hoyt Road in the DS/RU zones, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: John McGloin, PLS. Mr. Lipman, Attorney.

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

Mr. Astorino: Ok.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments:
  - a. Have soil testing appropriate for a former orchard been completed?
4. Architectural Review Board – no comments
5. The soil test for the septic system must be witnessed the Planning Board Engineer or the Project Engineer.
6. In addition to the access easement for Lot 2 over Lot 1, Lot 1 needs an easement over Lot 2 to continue to use the existing farm road. must submit the Town's one-page certification form.
7. Easement descriptions and proper documentation for the future marginal access road must be submitted.
8. Access easements over Lot 1 to Lot 2 will have to be granted for the continued use of the driveways.
9. The deed declaration information for the Ridgeline Overlay District will need to be shown on the plan.
10. The deed declaration information for the Aquifer Protection Overlay District will need to be shown on the plan.
11. The deed declaration information for the Agricultural Notes will need to be shown on the plan.
12. Payment of parkland fees.
13. Payment of all fees.

The following comment submitted by the Conservation Board, dated 7/21/10:

John G. Pennings – Has the site had soils testing appropriate for a former orchard?

The following comment submitted by the ARB:

John G. Pennings – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: The following SEQR comment has been prepared by Mr. Ted Fink, dated 7/21/10: "The Planning Board has been acting as Lead Agency on this three lot subdivision. No construction is proposed in association with this action. The remainder lot has been proposed for inclusion into the Town's Purchase of Development Rights Program, which is a beneficial impact on agricultural resources. A draft Negative Declaration has been prepared and attached along with a draft Resolution adopting the Negative Declaration, that concludes there will be no significant impacts as a result of the action."

Comment #2: Applicant to discuss project.

John McGloin: The applicant proposes to cut out the (2) existing dwellings and the (1) commercial lot that are located on the property. He will be leaving the remaining lands. We are here to get the houses away from the rest of it so we could proceed with the PDR.

Comment #3: Conservation Board comments:

a. Have soil testing appropriate for a former orchard been completed?

John McGloin: That has been done.

Mr. Bollenbach: We could strike comment #3.

Comment #4: Architectural Review Board – no comments

Comment #5: The soil test for the septic system must be witnessed by the Planning Board Engineer or the Project Engineer.

John McGloin: We will provide that.

Comment #6: In addition to the access easement for Lot 2 over Lot 1, Lot 1 needs an easement over Lot 2 to continue to use the existing farm road. must submit the Town's one-page certification form.

Mr. Lipman: That would be for our benefit. It would be included in the easement. We will take care of that.

Comment #7: Easement descriptions and proper documentation for the future marginal access road must be submitted.

John McGloin: Yes.

Comment #8: Access easements over Lot 1 to Lot 2 will have to be granted for the continued use of the driveways.

Mr. Lipman: Is that comment the same as #6?

Laura Barca: Yes.

Mr. Bollenbach: We will keep comment #6. We will strike comment #8.

Comment #9: The deed declaration information for the Ridgeline Overlay District will need to be shown on the plan.

John McGloin: Ok.

Comment #10: The deed declaration information for the Aquifer Protection Overlay District will need to be shown on the plan.

John McGloin: Ok.

Comment #11: The deed declaration information for the Agricultural Notes will need to be shown on the plan.

John McGloin: Ok.

Comment #12: Payment of parkland fees.

Mr. Lipman: Three of these lots are already improved. The parkland fees are for any created new lots. We are not creating any new lots. These homes have been occupied and have been there for quite some time. The parklands fees should be waived.

Mr. Bollenbach: That would be for the Town Board's consideration.

Mr. Astorino: We could send a letter to the Town Board to that effect.

Mr. Lipman: Ok.

Comment #13: Payment of all fees.

John McGloin: No problem.

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 John G. Pennings application, please rise and state your name for the record. Let the record show no public comment.

Mr. Showalter 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:** Pennings 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 no other involved agencies pursuant to SEQR, and

**Whereas**, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 6/30/10 (as revised), 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. Showalter makes a motion to close the public hearing.

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

Mr. Showalter makes a motion on the John G. Pennings application, granting Final Approval for a proposed 3-Residential Lots + 1-Commercial Lot subdivision, situated on tax parcel S 63 B 1 L 1.22; parcel located on the corner of Pennings Lane and Hoyt Road, in the DS/RU zones, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on July 21, 2010. Approval is granted subject to the following conditions:

1. The soil test for the septic system must be witnessed by the Project Engineer.
2. In addition to the access easement for Lot 2 over Lot 1, Lot 1 needs an easement over Lot 2 to continue to use the existing farm road must submit the Town's one-page certification form.
3. Easement descriptions and proper documentation for the future marginal access road must be submitted.
4. The declaration information for the Ridgeline Overlay District will need to be shown on the plan.
5. The declaration information for the Aquifer Protection Overlay District will need to be shown on the plan.
6. The declaration information for the Agricultural Notes will need to be shown on the plan.
7. Payment of parkland fees to the Planning Board Attorney's specifications.
8. Payment of all fees.

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

John McGloin: Thank you.

**Review of Submitted Maps:*****Meadowbrook Farms / Nop #2 Sectionalizing Plan***

Application for Preliminary Approval for filing a 35-Lot Cluster subdivision in Sections and Application for Final Approval for Section I to consist of a proposed 24-Lot Cluster subdivision, situated on tax parcels S 29 B 1 L 63 and S 29 B 1 L 65.12; parcels located on the northwestern side of Union Corners Road across from Sargent Road, in the RU/AI zones, of the Town of Warwick. Original Conditional Final Approval for the proposed 35-Lot cluster subdivision was granted on, 8/6/08. Previously discussed at the 6/2/10 Planning Board.

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

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board
  - a. How will open space be preserved? – by declarations.
  - b. How will section 2 be limited to 11 lots? – by the filed sectionalized plan.
4. Architectural Review Board - no comments
5. The language Restricted and Unrestricted will be removed from the map notes and drawings and replaced with Lot 35 and Open Space Area.
6. On Sheet 1, Cluster Subdivision Note #1 references Lot 36, which does not exist; the Applicant should confirm that all references to lot numbers have been updated.
7. On Sheet 1, Road C note refers to Note 16, but it appears that it should reference Note 17; the Applicant should confirm that all references to notes should have been updated.
8. Adjacent to 29-1-1.41 there are two corners of the open space parcel that should be monumented (Sheet 3 of 18).
9. The western boundary of the open space (92+ acre) should be monumented (Sheet 3 of 18).
10. Provide water quality and post construction stormwater management for the grass outlet sediment trap (it must be assumed that this device will be a permanent structure).
11. NYSDEC will not accept the Stormwater Notice of Intent (NOI) without the owner's information.
12. In the stormwater plan Page 8 #29 and Page 1 paragraph 2 need to be consistent on who will maintain stormwater structures.
13. The existing declarations will be reviewed to ensure that the sectioning of this project did not affect the language in the declarations.
14. Surveyor to certify that iron rods have been set at all property corners.
15. Payment of parkland fees.
16. Payment of all fees.

The following comment submitted by the Conservation Board, dated 7/21/10:

Meadowbrook Farms / Nop #2 Sectionalizing Plan – Here, for convenience, are the CB’s comments from early June.

*The CB does not object to the sectionalization, splitting the property into the first section covering 24 lots and the second section covering the remaining 11 lots. Incidentally, when first reviewed this project called for 33 lots, then 34 and now 35. CB would like more detail on how the open space is to be preserved and assurances that the next review will be limited to 35 lots.*

The following comment submitted by the ARB:

Meadowbrook Farms / Nop #2 Sectionalizing Plan – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: The following SEQR comment has been prepared by Mr. Ted Fink, dated 7/21/10: “The Planning Board declared itself Lead Agency and issued a Negative Declaration on this action. Subsequently, the Planning Board issued Preliminary and Final Plat Approvals. The applicant has now proposed filing the subdivision in sections. The Board and its professionals have reviewed the Section Plan to determine if all issues related to public improvements and potential adverse impacts, such as streets and stormwater requirements have been addressed by the Section Plan. I believe there is consensus that any issues that could create a potential impact have been properly addressed by the applicant and the Board. Therefore, no further SEQR review is required.”

Comment #2: Applicant to discuss project.

Dave Higgins: We had received conditional final approval on the 35-lot subdivision. What we are proposing to do, due to the economic conditions making it very difficult for developers to proceed with the whole project at one same time, is to sectionalize the subdivision as shown into two sections. Section #1, would have 24 proposed lots. Section #2, would be the remainder of the lots.

Comment #3: Conservation Board

- a. How will open space be preserved? – by declarations.
- b. How will section 2 be limited to 11 lots? – by the filed sectionalized plan.

Mr. Astorino: You are not changing the subdivision. It has already received approval. It is just being done in two sections.

Comment #4: Architectural Review Board - no comments

Comment #5: The language Restricted and Unrestricted will be removed from the map notes and drawings and replaced with Lot 35 and Open Space Area.

Dave Higgins: Will do.

Comment #6: On Sheet 1, Cluster Subdivision Note #1 references Lot 36, which does not exist; the Applicant should confirm that all references to lot numbers have been updated.

Dave Higgins: Will do.

Comment #7: On Sheet 1, Road C note refers to Note 16, but it appears that it should reference Note 17; the Applicant should confirm that all references to notes should have been updated.

Dave Higgins: Will do.

Comment #8: Adjacent to 29-1-1.41 there are two corners of the open space parcel that should be monumented (Sheet 3 of 18).

Dave Higgins: We will show those as being monumented on the plan.

Comment #9: The western boundary of the open space (92+ acre) should be monumented (Sheet 3 of 18).

Dave Higgins: Will do.

Comment #10: Provide water quality and post construction stormwater management for the grass outlet sediment trap (it must be assumed that this device will be a permanent structure).

Dave Higgins: I am not sure what you are driving at on that.

Laura Barca: The information that we have so far on that stormwater system is that it is fine and adequate. You should show the 10-year and 100-year storm just like you would if it was a permanent detention basin.

Dave Higgins: Ok. Do you want to see the flow analysis in those intervals between 10 and 100?

Laura Barca: Yes.

Dave Higgins: Ok. We could do that.

Comment #11: NYSDEC will not accept the Stormwater Notice of Intent (NOI) without the owner's information.

Dave Higgins: We will fill out that information on the form.

Comment #12: In the stormwater plan Page 8 #29 and Page 1 paragraph 2 need to be consistent on who will maintain stormwater structures.

Dave Higgins: We will revise that as needed.

Comment #13: The existing declarations will be reviewed to ensure that the sectioning of this project did not affect the language in the declarations.

Dave Higgins: We will review all of that. He would have to touch base with the attorney and file the declaration. We will make sure those are all ok.

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

Dave Higgins: I think the monumentation was included in the bond.

Mr. Astorino: You will have stone cairns located at the corners of the open space.

Dave Higgins: Yes.

Comment #15: Payment of parkland fees.

Dave Higgins: That will be taken care of.

Comment #16: Payment of all fees.

Dave Higgins: That will be taken care of.

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

Mr. Bollenbach: We will need to add an additional comment to verify the SBL #. Take a look at one of your prior submissions. There was the original subdivision called Nop #1. There was a Nop #2 after the other side of the road had been subdivided. There are new tax map designation numbers. I believe you have an inaccurate SBL # on your map. You will need to verify the SBL #.

Dave Higgins: Ok.

Mr. McConnell: Mr. Chairman, just for clarification, parkland fees would only be for the lots in Section #1 or would that be for the lots in both sections?

Mr. Bollenbach: It would just be for Section #1. The approval in sections is in effect a preliminary approval for the entire subdivision.

Mr. McConnell: Ok. I just wanted that clarified.

Mr. Bollenbach: These conditions will be the conditions that will be imposed upon the final approval for Section #1.

Mr. McConnell: Ok.

Mr. Astorino: Does the Board or Professionals have any further comments? Laura, are we still waiting for any information?

Laura Barca: No.

Mr. Bollenbach: Would the Board like to entertain a waiver of a formal public hearing? There are no significant changes. All of the potential impacts have been adequately addressed. The approval of Section #1 is not dependent upon an approval of Section #2. It is functional independent.

Mr. McConnell: Are we hearing that request from the applicant for a waiver of the formal public hearing?

Dave Higgins: Yes. We request that the public hearing be waived.

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

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

Mr. Showalter makes a motion on the Meadowbrook Farms / Nop #2 Sectionalizing Plan application, granting Preliminary Approval for filing a 35-Lot Cluster subdivision in Sections and granting Final Approval for Section I to consist of a proposed 24-Lot Cluster subdivision, situated on tax parcels S 29 B 1 L 63 and S 29 B 1 L 65.12; 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. Original Conditional Final Approval for the proposed 35-Lot cluster subdivision was granted on, 8/6/08.

1. The language Restricted and Unrestricted will be removed from the map notes and drawings and replaced with Lot 35 and Open Space Area.
2. On Sheet 1, Cluster Subdivision Note #1 references Lot 36, which does not exist; the Applicant should confirm that all references to lot numbers have been updated.
3. On Sheet 1, Road C note refers to Note 16, but it appears that it should reference Note 17; the Applicant should confirm that all references to notes should have been updated.
4. Adjacent to 29-1-1.41 there are two corners of the open space parcel that should be monumented (Sheet 3 of 18).
5. The western boundary of the open space (92+ acre) should be monumented (Sheet 3 of 18).
6. Provide water quality and post construction stormwater management for the grass outlet sediment trap (it must be assumed that this device will be a permanent structure).
7. NYSDEC will not accept the Stormwater Notice of Intent (NOI) without the owner's information.
8. In the stormwater plan Page 8 #29 and Page 1 paragraph 2 need to be consistent on who will maintain stormwater structures.
9. The existing declarations will be reviewed to ensure that the sectioning of this project did not affect the language in the declarations.
10. Surveyor to certify that iron rods have been set at all property corners.
11. Payment of Parkland Fees.
12. Payment of all fees.
13. Verify Section-Block-Lot.

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

Dave Higgins: Thank you.

***Steven Workman and Kenneth & Lynn Mabee***

Application for Sketch Plat Review of a proposed Lot Line Change, situated on tax parcels S 47 B 1 L 87.212 & 84; parcels located on the southern side of Rabbit Hill Road 896.35 feet east of Lakes Road, in the MT zone, of the Town of Warwick.

Representing the applicant: John Ziobro, Attorney.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments.
4. Architectural Review Board – no comments.
5. OCPD: (pending submittal)
6. On tax lot 47-1-84 (Mabee) there was an addition and alteration to a single family house permit issued (#9961); there was no new CO issued by the Building Department.
  - a. New Co was issued July 15, 2010.
7. For the record, there are three accessory structures on the property that are less than the allowed setback but all of these structures were existing before 1973 (all pre-dated the Code) so no variances are required.
8. Add a note to the plan that the locations of the wells and septic systems are existing and are not part of this application.
9. A table should be added to the plans showing the five overlays and whether the project lies within each overlay district.
10. The declaration information for the Ridgeline Notes will need to be shown on the drawing.
11. The declaration information for the Agricultural Notes will need to be shown on the drawing.
12. Surveyor to certify that iron rods have been set at all property corners.
  - a. Completed – June 02, 2010.
13. Payment of recreation fees.
14. Payment of all fees.

The following comment submitted by the Conservation Board, dated 7/21/10:

Steven Workman and Kenneth & Lynn Mabee – CB has no comments.

The following comment submitted by the ARB:

Steven Workman and Kenneth & Lynn Mabee – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: The following SEQR comment has been prepared by Mr. Ted Fink, dated 7/21/10: “This lot line alteration does not involve any construction activities nor does it create a new building lot, where none exists currently. This action meets the threshold for a Type 2 Action, meaning that no SEQR review is necessary. I have attached a draft Resolution classifying the action as Type 2.”

Comment #2: Applicant to discuss project.

John Ziobro: There is nothing else much that needs to be said here. I believe what Mr. McConnell had read says it all.

Comment #3: Conservation Board – no comments.

Comment #4: Architectural Review Board – no comments.

Comment #5: OCPD: (pending submittal)

Comment #6: On tax lot 47-1-84 (Mabee) there was an addition and alteration to a single family house permit issued (#9961); there was no new CO issued by the Building Department.

a. New Co was issued July 15, 2010.

Mr. Astorino: That took care of that.

Comment #7: For the record, there are three accessory structures on the property that are less than the allowed setback but all of these structures were existing before 1973 (all pre-dated the Code) so no variances are required.

Comment #8: Add a note to the plan that the locations of the wells and septic systems are existing and are not part of this application.

John Ziobro: No problem.

Comment #9: A table should be added to the plans showing the five overlays and whether the project lies within each overlay district.

John Ziobro: No problem.

Comment #10: The declaration information for the Ridgeline Notes will need to be shown on the drawing.

John Ziobro: No problem.

Comment #11: The declaration information for the Agricultural Notes will need to be shown on the drawing.

John Ziobro: No problem..

Comment #12: Surveyor to certify that iron rods have been set at all property corners.  
b. Completed – June 02, 2010.

John Ziobro: No problem.

Comment #13: Payment of recreation fees.

John Ziobro: There are no new lots.

Mr. Bollenbach: We could strike comment #13.

Comment #14: Payment of all fees.

John Ziobro: Ok. Whatever fees need to be paid we will pay them.

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

Mr. McConnell makes a motion for Type 2 Action.

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

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

**Name of Action:** Mabee-Workman Lot Line Change

**Whereas**, the Town of Warwick Planning Board is in receipt of a Subdivision application by Kenneth L. Mabee and Lynn Mabee for a ± 54.90 acre parcel of land located at Rabbit Hill Road, Town of Warwick, Orange County, New York, and

**Whereas**, an Environmental Assessment Form (EAF) dated 6/2/10 was submitted at the time of application, and

**Whereas**, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is a Type 2 Action that meets the thresholds found in 6 NYCRR 617.5(c)(9) and, therefore, SEQR does not apply, and

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

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

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

Mr. Bollenbach: The Board could waive the public hearing on this application. There is no construction proposed.

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

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

Mr. Kowal makes a motion on the Steven Workman and Kenneth & Lynn Mabee application, granting Final Approval for a proposed Lot Line Change, situated on tax parcels S 47 B 1 L 87.212 & 84; parcels located on the southern side of Rabbit Hill Road 896.35 feet east of Lakes Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York. A Type 2 Action was adopted on July 21, 2010. Approval is granted subject to the following conditions:

1. On tax lot 47-1-84 (Mabee) there was an addition and alteration to a single family house permit issued (#9961); there was no new CO issued by the Building Department.
  - a. New Co was issued July 15, 2010.
2. For the record, there are three accessory structures on the property that are less than the allowed setback but all of these structures were existing before 1973 (all pre-dated the Code) so no variances are required.
3. Add a note to the plan that the locations of the wells and septic systems are existing and are not part of this application.
4. A table should be added to the plans showing the five overlays and whether the project lies within each overlay district.
5. The declaration information for the Ridgeline Notes will need to be shown on the drawing.
6. The declaration information for the Agricultural Notes will need to be shown on the drawing.
7. Surveyor to certify that iron rods have been set at all property corners.
  - a. Completed – June 02, 2010.
8. Payment of all fees.

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

John Ziobro: Thank you.

***Charles and Viviana Holmes***

Application for Site Plan Approval for the construction and use of alterations and addition to an existing single-family residence located within "A Designated Protection Area" of Greenwood Lake, situated on tax parcel S 75 B 1 L 8.2; project located on the eastern side of Lake Shore Road 1200 feet north of Jersey Ave (76 Lake Shore Road), in the SM zone, of the Town of Warwick.

Representing the applicant: Bob Krahulik, Attorney. Charles & Viviana Holmes, Applicants.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments:
  - a. Requested submittal of a revised site plan that complies with code and checklist requirements.
4. Architectural Review Board comments:
  - a. Photograph of existing home
  - b. Photograph of surrounding property and adjacent properties
  - c. Obliques, as provided on the County webpage
  - d. Elevations of all four sides of structure
  - e. State whether the basement is walk-out or not
  - f. Samples of proposed materials
5. OCPD: (pending submittal)
6. The Agricultural Data Statement states that this application is for Special Use, when it is actually a Site Plan Application; the form should be revised.
7. This tax lot has an open permit (#18141); if this work has been completed a Certificate of Compliance should be requested.
8. All projects within 100-ft of Greenwood Lake must submit a full-size plan and cover letter to the Greenwood Lake Commission.
9. The site plan submitted is lacking several key components of a site plan (e.g., location map, title block, information for person signing the plans, typical surveyed information, contours, parking spaces, the location of well and septic system, etc.)
10. A survey should be completed and included in the next submission, including a surveyor's seal and signature.
11. A dye test will need to be completed and witnessed by the Town Planning Board Engineer.
12. A site inspection may be necessary to review the existing site for stormwater concerns.
13. A site inspection may be necessary to determine if the proposed building height was determined in accordance with the Town Code.
14. The site plan should specifically state that the number of bedrooms will not be increased as a result of this home alteration.
15. This project is located within the Traditional Neighbor Design overlay, but none of the other Town of Warwick overlays. A table should be added to the site plan stating this information.
16. Surveyor to certify that iron rods have been set at all property corners.
17. Payment of recreation fees.
18. Payment of all fees.

The following comment submitted by the Conservation Board, dated 7/21/10:

Charles and Viviana Holmes – The site plan is so inadequate that comments are not possible at this time on this new application.

The following comment submitted by the ARB, dated 7/21/10:

Charles and Viviana Holmes – Please have the applicant provide the ARB with photos of the existing house and property, as well as neighboring properties. If possible, obliques (they are on the County website) would be helpful for perspective and relationship of one to another, as well as to the lake.

Please have the applicant provide the ARB with elevations of all four sides, and expressly whether the basement is a walk-out basement. Proposed materials are noted, samples would be helpful.

We will discuss further.

Comment #1: Planning Board to discuss SEQRA.

Mr. McConnell: The following SEQR comment has been prepared by Mr. Ted Fink, dated 7/21/10: “This is an Unlisted Action and there are no other involved agencies according to the Short Environmental Assessment Form submitted by the applicant. I have attached a draft Resolution declaring the Planning Board Lead Agency for the review of the action. There are several SEQR issues that will need to be addressed. Such issues were discussed at the Planning Board’s 7/12/10 workshop meeting and can be found on the HDR review comments.”

Mr. McConnell 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: Holmes House Expansion/Addition

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan application by Charles & Viviana Holmes for a ± 1 acre parcel of land located at 76 Lake Shore Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 6/24/10 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.

Bob Kraulik: It involves the renovation of a single-family home located within a "Designated Protection Area" of Greenwood Lake. The extent of the work is not very dramatic. They want to increase the height of a ceiling in the top floor of the structure. It would result in the increase of the height of the total structure of only 6". It would give a lot more head room within the top floor. This renovation project does not involve the creation of any additional rooms. It does not involve the addition of anymore bathrooms in the house. This project only involves increasing the height of a ceiling within an existing space.

Comment #3: Conservation Board comments:

- a. Requested submittal of a revised site plan that complies with code and checklist requirements.

Mr. Astorino: That would be the Planning Board's job.

Comment #4: Architectural Review Board comments:

- a) Photograph of existing home
- b) Photograph of surrounding property and adjacent properties
- c) Obliques, as provided on the County webpage
- d) Elevations of all four sides of structure
- e) State whether the basement is walk-out or not
- f) Samples of proposed materials

Bob Kraulik: We will provide that.

Comment# 5: OCPD: (pending submittal).

Comment #6: The Agricultural Data Statement states that this application is for Special Use, when it is actually a Site Plan Application; the form should be revised.

Bob Krahulik: We could do that.

Comment #7: This tax lot has an open permit (#18141); if this work has been completed a Certificate of Compliance should be requested.

Bob Krahulik: I am not sure what that is. We will ask John Batz the Building Inspector about that.

Comment #8: All projects within 100-ft of Greenwood Lake must submit a full-size plan and cover letter to the Greenwood Lake Commission.

Bob Krahulik: We will take care of that.

Comment #9: The site plan submitted is lacking several key components of a site plan (e.g., location map, title block, information for person signing the plans, typical surveyed information, contours, parking spaces, the location of well and septic system, etc.).

Bob Krahulik: We will give that to the Engineer and submit a revised map.

Comment #10: A survey should be completed and included in the next submission, including a surveyor's seal and signature.

Bob Krahulik: We will look into that.

Comment #11: A dye test will need to be completed and witnessed by the Town Planning Board Engineer.

Bob Krahulik: Will do.

Comment#12: A site inspection may be necessary to review the existing site for stormwater concerns.

Bob Krahulik: Ok.

Comment #13: A site inspection may be necessary to determine if the proposed building height was determined in accordance with the Town Code.

Mr. Astorino: We could do that at the site inspection.

Comment #14: The site plan should specifically state that the number of bedrooms will not be increased as a result of this home alteration.

Bob Krahulik: We will add that as a note.

Comment #15: This project is located within the Traditional Neighbor Design overlay, but none of the other Town of Warwick overlays. A table should be added to the site plan stating this information.

Bob Krahulik: We will add that.

Comment #16: Surveyor to certify that iron rods have been set at all property corners.

Bob Krahulik: We could do that if it is necessary.

Laura Barca: Strike that comment. That does not apply to this application.

Mr. Astorino: We could strike comment #16.

Comment #17: Payment of recreation fees.

Mr. Astorino: That does not apply to this application.

Comment #18: Payment of all fees.

Bob Krahulik: Ok.

Mr. Astorino: Does the Board want to schedule a site visit now or schedule at a work session?

Mr. McConnell: Let us discuss it at a work session.

Mr. Astorino: Ok. We will discuss it at the next work session.

Bob Krahulik: Ok. Thank you.

**Other Considerations:**

1. **Planning Board Minutes of 6/16/10** – Planning Board Minutes of 6/16/10 for Planning Board Approval.

Mr. McConnell makes a motion to Approve the 6/16/10 Planning Board Minutes.

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

2. **Warwick Views, LLC.** – Planning Board to discuss project to discuss the Site Context Plan, Revised Date 6/29/10, Existing Resource Plans, Revised Date 5/24/10, and 4-Step Design Plans, Revised Date 6/29/10.

Mr. Astorino: First, I would like to mention that we have received some correspondences from people regarding the Warwick Views project. I will list those correspondences for the record as follows:

1. **Warwick Views, LLC.** – Letter from David Gordon, Attorney, dated 6/15/10 addressed to the Planning Board – in regards to the Warwick Views Subdivision. Report from Mid-Hudson Geosciences, dated 6/15/10 addressed to the Planning Board – in regards to the Warwick Views Subdivision – Karst Hydrology.
2. **Warwick Views, LLC.** – Letter from Gene Bowen, dated 6/30/10 addressed to the Planning Board - in regards to the Warwick Views Subdivision.
3. **Warwick Views, LLC.** – Letter from John Cappello, Attorney, dated 7/9/10 addressed to the Planning Board – in regards to the Warwick Views Subdivision.
4. **Warwick Views, LLC.** – Received (2)-Letters from David Gordon, Attorney, dated 7/12/10 addressed to the Planning Board – in regards to the Warwick Views Subdivision.
5. **Warwick Views, LLC.** – Letter from Carole Liantonio, “Undated”, addressed to the Planning Board – in regards to the Warwick Views Subdivision.

Mr. Astorino: We also have a comment from Ted Fink, Greenplan, Inc., dated 7/21/10. We will have Dennis McConnell read Ted’s comment into the record.

Mr. McConnell: The following SEQR comment has been prepared by Mr. Ted Fink, dated 7/21/10: “While not an agenda item, the applicant submitted for review at the work session, a revised Site Context Plan, an Existing Resources Map, and Steps 1a, 1b, and 1c of the 4-step cluster subdivision design process. The applicant has requested Planning Board input on such mapping. I have preliminarily reviewed the three maps and have prepared a checklist with my comments on them and attach it to this Memo. Please note that there are a number of omissions from the mapping that the applicant should correct and that there are also a number of documents that have yet to be submitted (as noted on the checklist). It has been several years since the Planning Board conducted a field visit to the site and there are differences in the most recent “potential development areas” mapping from what had been submitted by the applicant previously. Before the Planning Board provides direction to the applicant on the acceptability of the areas delineated as “potential development areas” the Board may want to consider scheduling another field visit to the site to verify the areas identified by the applicant as suitable for development.” I would like to add my own comment not having been on the Planning Board at the time this application was originally

submitted, I personally find it beneficial to have a site visit so I could see these areas of potential development for myself.

Mr. Astorino: I spoke with Laura our Planning Board Engineer about this. HDR has a Geotechnical Engineer that will be joining us on a site visit on August 23, 2010 @ 5:00 p.m. We could go out there with him and ask him questions. We have received numerous correspondences from the public from other professionals that our professionals are still compiling. We will go out with HDR's professionals and come back to our Work Session with any questions or comments that we might have. That is it. There is information that we have to compile. We are still in the process of reviewing it.

Laura Barca: I would like to note something for the record. One of the letters that we received directed to the Planning Board alluded to the fact that HDR does not have qualified personal to conduct the complete review for this project. I just want to state for the record that we do. That person is not me. But, there will be a Geotechnical Engineer from HDR that will be at the site visit on August 23, 2010. I have confirmed that. He will be there for the Planning Board.

Mr. Astorino: That gives us more information one on one.

Laura Barca: Right. I am the face that you will see here. HDR, if you are not familiar with Engineering Firms, have 7,000 to 8,000 people that are more or less standing behind me in any expertise that is needed.

Mr. Astorino: Ok. With that being said, we are still reviewing everything that has been submitted. We will continue to review information regarding the Warwick Views project.

Mr. Singer: Would doing the site visit on August 23, 2010 @ 5:00 p.m. give us enough time?

Mr. Astorino: I believe that would be enough time. If not, we would have to schedule another site visit.

Mr. Singer: Ok.

**3. Mongelluzzo Subdivision** – Letter from Kirk Rother, P.E., dated 5/10/10 and received on 6/15/10 addressed to the Planning Board in regards to Mongelluzzo Subdivision – requesting a 5<sup>th</sup> 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 the intersection of Kings Highway (C.H. 13), in the RU zone of the Town of Warwick. Preliminary Approval was granted on, 11/21/07. *The applicant has stated in their letter the hardship of needing this extension on preliminary approval stating that they are seeking a stream-crossing permit from the NYSDEC and with the current economic climate they are also having financial difficulties (see attached applicant's letter, dated 5/10/10).* The 5<sup>th</sup> 6-Month Extension becomes effective on, 5/21/10.

Mr. McConnell makes a motion on the Mongelluzzo Subdivision, granting a 5<sup>th</sup> 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 5<sup>th</sup> 6-Month Extension becomes effective on, 5/21/10.

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

**4. Cedar Ridge Subdivision** – Letter from Kirk Rother, P.E., dated 7/14/10 addressed to the Planning Board in regards to the Cedar Ridge Subdivision – requesting “**2<sup>nd</sup> Re-Approval**” of Final Approval of a proposed 36-Lot cluster subdivision, situated on tax parcel S 7 B 2 L 51.2; parcel located along the south side of Wheeler Road approximately 1500 feet west of intersection with C.R. 41, in the RU zone, of the Town of Warwick. Final Approval was granted on, 7/16/08. 1<sup>st</sup> Re-Approval of Final Approval was granted on, 7/15/09, became effective on, 7/16/09. *The applicant has stated that they are unable at this time, given the current economic climate, to satisfy the financial conditions associated with final approval, such as parkland fees and posting of a road bond.* The 2<sup>nd</sup> Re-Approval of Final Approval becomes effective on, 7/16/10 subject to the conditions of Final Approval granted on 7/16/08.

Mr. McConnell makes a motion on the Cedar Ridge Subdivision, granting **2<sup>nd</sup> Re-Approval** of Final Approval of a proposed 36-Lot cluster subdivision, situated on tax parcel S 7 B 2 L 51.2; parcel located along the south side of Wheeler Road approximately 1500 feet west of intersection with C.R. 41, 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, 7/16/08 (See attached). The 2<sup>nd</sup> Re-Approval of Final Approval becomes effective on, 7/16/10.

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

**5. Michael Buono Subdivision** – Letter from Karen Emmerich, Lehman & Getz Engineering, dated 7/15/10 addressed to the Planning Board in regards to the Michael Buono Subdivision – requesting a 6-Month Extension on Re-Approval of Final Approval of a proposed 2-Lot subdivision, situated on tax parcel S 10 B 1 L 64.3; parcel located on the western side of Glenwood Road 500 feet south of Newport Bridge Road, in the RU zone, of the Town of Warwick. Final Approval was granted on, 11/19/08. Re-Approval of Final Approval was granted on 12/16/09 became effective on, 11/19/09. *The applicant has stated that they are concerned about the economy, and is not able to build a home on the new lot at this point in time. They are asking for this extension to give them more time to decide what they plan to do with the property.* The 6-Month Extension on Re-Approval of Final Approval becomes effective on, 5/19/10.

Connie Sardo: The Buono's are almost done finalizing the conditions of final approval. The final mylar/maps was submitted by Lehman & Getz Engineering for the Chairman's signature, but there were some minor changes that needed to be made to the plans. Lehman & Getz picked up the maps for revisions. We are waiting for the revised final maps to come back from Lehman & Getz Engineering.

Mr. McConnell makes a motion on the Michael Buono Subdivision, granting a 6-Month Extension on Re-Approval of Final Approval of a proposed 2-Lot subdivision, SBL # 10-1-64.3. Re-Approval of Final Approval was granted on 12/16/09 became effective on, 11/19/09. The 6-Month Extension on Re-Approval of Final Approval becomes effective on, 5/19/10.

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

**6. Lands of Kirk Rother** – Letter from Kirk Rother, P.E., dated 7/1/10 addressed to the Planning Board in regards to Lands of Kirk Rother – requesting “**2<sup>nd</sup> Re-Approval**” of Final Approval of a proposed 2-Lot cluster subdivision, situated on tax parcel S 42 B 1 L 110.4; parcel located on the western side of C.R. 1, 1885 feet north of Waterbury Road, in the RU zone, of the Town of Warwick. Final Approval was granted on, 7/16/08. 1<sup>st</sup> Re-Approval of Final Approval was granted on 7/15/09, became effective on 7/16/09. *The applicant has stated that due to the current economic climate and the significant effect it has had on their income, they are unable to afford the monies necessary to satisfy the conditions of final approval at this time. This would include the parkland fees, other fees and legal services for the preparation of the necessary documents.* The 2<sup>nd</sup> Re-Approval of Final Approval becomes effective on, 7/16/10, subject to the conditions of Final Approval granted on, 7/16/08.

Mr. McConnell: I just want to know why Kirk sent this letter in so late asking for this extension. He should have sent it in earlier.

Connie Sardo: I spoke with Kirk Rother about his application a couple of weeks ago warning him that his 6-month extension on his 1<sup>st</sup> Re-approval of Final Approval was going to expire soon. I told him he should send a letter to the Board requesting a 2<sup>nd</sup> Re-Approval of Final Approval. Kirk had said to me that he thought he would have his final mylar/maps in by 7/16/10 for the Chairman's signature. Kirk called me on 7/16/10 and said that he wouldn't be able to submit the final maps for signature as he thought he would. So, Kirk sent in a letter requesting a 2<sup>nd</sup> Re-Approval of Final Approval.

Mr. Bollenbach: We could talk to Kirk about this matter. We could put this request off to another agenda.

Mr. Astorino: I feel we should grant this request at this time. Kirk has paid the fees for it. I will have a chat with Kirk about it.

Mr. McConnell: It is fine. I just wanted some clarification on why he was late with it.

Mr. Showalter makes a motion on the Lands of Kirk Rother application, granting “*2<sup>nd</sup> Re-Approval*” of Final Approval of a proposed 2-Lot cluster subdivision, situated on tax parcel S 42 B 1 L 110.4; parcel located on the western side of C.R. 1, 1885 feet north of Waterbury 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, 7/16/08 (See attached). The 2<sup>nd</sup> Re-Approval of Final Approval becomes effective on, 7/16/10.

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

### **Correspondences:**

1. **Warwick Views, LLC.** – Letter from David Gordon, Attorney, dated 6/15/10 addressed to the Planning Board – in regards to the Warwick Views Subdivision. Report from Mid-Hudson Geosciences, dated 6/15/10 addressed to the Planning Board – in regards to the Warwick Views Subdivision – Karst Hydrology.
2. **Warwick Views, LLC.** – Letter from Gene Bowen, dated 6/30/10 addressed to the Planning Board - in regards to the Warwick Views Subdivision.
3. **Warwick Views, LLC.** – Letter from John Cappello, Attorney, dated 7/9/10 addressed to the Planning Board – in regards to the Warwick Views Subdivision.
4. **Warwick Views, LLC.** – Received (2)-Letters from David Gordon, Attorney, dated 7/12/10 addressed to the Planning Board – in regards to the Warwick Views Subdivision.
5. **Warwick Views, LLC.** – Letter from Carole Liantonio, “Undated”, addressed to the Planning Board – in regards to the Warwick Views Subdivision.

Mr. Astorino: We have received correspondences 1 through 5 for the record.

6. **Mongelluzzo Subdivision** – Letter from Ken & Chris Zimmerli, dated 7/16/10 addressed to the Planning Board – in regards to the Mongelluzzo Subdivision.

Mr. Astorino: We have received that letter for the record. Regarding the Zimmerli’s letter, I do know that the Mongelluzzo’s are proceeding at their own risk with their project.

Mr. Bollenbach: If you have Preliminary Approval, the wetlands delineation are generally good for 5-years.

Mr. Astorino: Ok. They have some time with it.

**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 July 21, 2010 Planning Board meeting.**

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