

TOWN OF WARWICK PLANNING BOARD

August 4, 2010

Members present: Vice Chairman, Roger Showalter
Russell Kowal, Dennis McConnell
Carl Singer, Beau Kennedy
Laura Barca, HDR 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, August 4, 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.

Mr. Showalter: To everyone in the audience, please turn off all cell phone devices. The cell phone devices cause interference with our recording device. They all must be turned off, not on vibrate. Thank you.

Review of Submitted Maps:

Verizon/Randall #3 North Warwick

Application for Site Plan Approval for the construction and use to replace (6) Existing Antennas at the existing elevation and add (6) coax cables inside the existing camouflaged monopine wireless telecommunication tower and a 3'x5' fiber vault within the existing utility easement, situated on tax parcel S 19 B 1 L 47.2; project located on the southwestern side of Route 94 approximately 900 feet set back from Route 94 (Gary Randall property 675 ST HWY 94N), in the MT zone, in the Town of Warwick. Previously discussed at the 6/2/10 Planning Board meeting.

Representing the applicant: Steve Hutchinson, Tectonic Engineering.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board: No comments (letter dated 06/01/10).
4. Architectural Review Board: No comments (email dated 06/01/10).
5. Wireless Telecommunication Facility Board: comments pending.
6. The Applicant should provide letter of consent from the owner of the Towner (T-mobile/Omnipoint) stating that the applicant has the legal right to install and use the facility mount. Letter submitted, pending Planning Board Attorney review.
7. Sheets Z1 and Z2 call out that the proposed wooden fence to match existing; is fencing being proposed as part of this application.
8. Applicant to certify that all branches are in place (and not damaged) per the previously approved plan. Certification of this shall be provided to the Building Department.

9. The Applicant should provide a color sample of the equipment structure (must be less than 60% reflectivity).
10. The areas of proposed disturbance should be shown on the site plan, including any proposed soil erosion control measures.
11. The stabilization of the disturbed areas should be shown on the site plan, including details for the stabilization measures (e.g., grassed and gravel areas).
12. The driveway should be shown on Sheet C-1.
13. If any trees are proposed to be removed as part of this action, the number and approximate location of the tree(s) should be shown on the site plan. The photos submitted appear to show a small evergreen tree and a possibly dead larger tree that may need to be removed.
14. The declaration information for the Agricultural Notes for projects within 2000-ft of an agriculturally zoned district or within the agricultural protection overlay district will need to be shown on the drawing.
15. Surveyor to certify that iron rods have been set at all property corners.
16. Payment of all fees.
17. A building department permit will be required after planning board approval and prior to construction.

The following comment submitted by the Conservation Board:

Verizon/Randall #3 North Warwick – None submitted.

The following comment submitted by the ARB:

Verizon/Randall #3 North Warwick – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has declared Lead Agency on this application. It is an Unlisted Action. We have been reviewing the application using the short EAF. There are a couple of outstanding SEQR issues that we need clarification on. One issue is the adequacy of the camouflage. The other issue is whether or not there would be removal of some of the trees and about erosion control. Those are basically the SEQR issues. Also, other issues that were raised by the Planning Board Engineer are in the review comments tonight.

Comment #2: Applicant to discuss project.

Steve Hutchinson: We are basically replacing 6 antennas. We are taking 6 antennas down and putting 6 antennas up. Regarding the camouflage issue, they would be painted the same green color as the existing monopine. The fiber vault would be done in a tan color.

Mr. Fink: There was a question regarding some of the fake tree branches on whether or not if they were all replaced. Those branches came down at the time we had a big ice storm.

Steve Hutchinson: Right. At the work session, we discussed that it would be part of the condition of approval that while we are up there working, it would be taken care of at that time. Someone would come out to inspect it to make sure it was done. Then, we would get a Certificate of Occupancy.

Mr. Fink: Ok. I wasn't at the work session. I didn't know.

Mr. Bollenbach: Ted, we thought that maybe they would be able to do that when they are doing the installation, the renovations, and the swap in and swap out. That would be when it would be inspected.

Mr. Fink: Ok.

Mr. Showalter: Could you explain what the end caps are?

Steve Hutchinson: It is the last 3 feet of the extension of the branch.

Mr. Showalter: Ok.

Comment #3: Conservation Board: No comments (letter dated 06/01/10).

Comment #4: Architectural Review Board: No comments (email dated 06/01/10).

Comment #5: Wireless Telecommunication Facility Board: comments pending.

Comment #6: The Applicant should provide letter of consent from the owner of the Towner (T-mobile/Omnipoint) stating that the applicant has the legal right to install and use the facility mount. Letter submitted, pending Planning Board Attorney review.

Mr. Bollenbach: That has been submitted. It looks fine.

Steve Hutchinson: We have provided the actual lease. If you need another copy, I have one here.

Mr. Showalter: Ok.

Mr. Bollenbach: Connie, just take that for the file.

Connie Sardo: Ok.

Comment #7: Sheets Z1 and Z2 call out that the proposed wooden fence to match existing; is fencing being proposed as part of this application.

Steve Hutchinson: It is existing. I have 9 copies of the revised plans here tonight to give to you.

Connie Sardo: I just received that by email today. I just printed off one copy.

Comment #8: Applicant to certify that all branches are in place (and not damaged) per the previously approved plan. Certification of this shall be provided to the Building Department.

Mr. Showalter: We discussed that.

Comment #9: The Applicant should provide a color sample of the equipment structure (must be less than 60% reflectivity).

Steve Hutchinson: Right. I have contacted the people who make the fiber cabinet. They don't have any specifications on the paint. The only thing that I could suggest is that we take a chip off. When we paint the antennas, we would bring in a piece of it to the Board, make that a condition, and submit it to the Board at that time.

Mr. Bollenbach: Bring it down. You could compare it to some of the samples we have. Some of the local hardware stores have the paint scales.

Steve Hutchinson: I use to be a painter. It would be like a mate finish.

Mr. Showalter: Ok. Just provide a color sample. That is what we are asking for.

Steve Hutchinson: Would that be the colors for the antennas and the cabinet?

Mr. Bollenbach: Yes.

Steve Hutchinson: Ok.

Comment #10: The areas of proposed disturbance should be shown on the site plan, including any proposed soil erosion control measures.

Steve Hutchinson: It is on the new revised plans.

Comment #11: The stabilization of the disturbed areas should be shown on the site plan, including details for the stabilization measures (e.g., grassed and gravel areas).

Steve Hutchinson: It is on the new revised plans.

Comment #12: The driveway should be shown on Sheet C-1.

Steve Hutchinson: It is on the new sheet on the plans. It is on Sheet AB-1.

Laura Barca: Ok.

Comment #13: If any trees are proposed to be removed as part of this action, the number and approximate location of the tree(s) should be shown on the site plan. The photos submitted appear to show a small evergreen tree and a possibly dead larger tree that may need to be removed.

Steve Hutchinson: The only ground disturbance is a 3x5. We wouldn't be disturbing anything else.

Comment #14: The declaration information for the Agricultural Notes for projects within 2000-ft of an agriculturally zoned district or within the agricultural protection overlay district will need to be shown on the drawing.

Steve Hutchinson: It is on the new revised plans.

Mr. Bollenbach: That has already been recorded. That was recorded on the prior application. It could be carried over, duplicated, and put into the file. We could keep that as a condition to make sure it is stuck in the file envelope.

Comment #15: Surveyor to certify that iron rods have been set at all property corners.

Mr. Bollenbach: That was done previously.

Comment #16: Payment of all fees.

Steve Hutchinson: That might be a problem. I think we just received an invoice for \$3,368.00. Verizon feels that we were informed that the special use permit was expired. They went through a lot of costs and legal fees to prove to you that the special use permit had not expired.

Connie Sardo: The special use permit is good until 12/7/10. But, there have been other reviews with the project that has been going on. The plans have been under constant review with our Town's Professionals while you have been going through the planning process. There will be fees for those reviews.

Steve Hutchinson: I know. But, we have acquired a lot of fees. You guys should have known that the special use permit had not expired. I think we have asked for a detailed itemized list of your fees.

Connie Sardo: If you want to be set for a public hearing, the fees must be paid.

Mr. Showalter: Yes. The fees will have to be paid.

Steve Hutchinson: I ordered the check yesterday.

Mr. Showalter: Ok.

Connie Sardo: We have sent out the invoices to you.

Mr. Bollenbach: You will receive a detailed account of the invoices.

Steve Hutchinson: We went through great expense to try to prove to you that the special use permit was valid. To us, you should have known that the permit was valid.

Mr. McConnell: What I think I am hearing here is that Verizon will want a set off against whatever additional legal fees they incurred to try to prove that their permit was valid. We could come back at you and say that they should have had that handy. It shouldn't have cost you very much to do that.

Steve Hutchinson: It is T-Mobile's tower. We are just the tenant.

Mr. McConnell: I don't know what your lease says and how your fees go back and forth and your charge backs. That is not my problem.

Mr. Showalter: As far as I understand, you were supposed to have everything together. It all goes back to T-Mobile. That is not our responsibility. That is your job to deal with T-Mobile.

Steve Hutchinson: We accept that. But, it is your responsibility to know if your permits are valid or not. We ordered the check already.

Mr. Showalter: As long the Planning Department receives its money, then the project will move forward.

Steve Hutchinson: Right. It will take about a week before you get a check.

Mr. Bollenbach: That will be fine.

Comment #17: A building department permit will be required after planning board approval and prior to construction.

Steve Hutchinson: Yes.

Mr. McConnell: I have a question about our description here. I was confused if we were adding or replacing antennas. I see that they are going to replace 6 existing antennas. Is that correct?

Steve Hutchinson: Yes.

Mr. McConnell: You would not be adding any additional antennas.

Steve Hutchinson: The only thing that we would be adding is the fiber cabinet.

Mr. McConnell: Our description then goes on and says add 6 coax cables inside the existing camouflaged monopine wireless telecommunication tower. Is that a miss-statement? You are not really adding.

Steve Hutchinson: The new cabinet is a fiber cabinet. The fiber optics have to go to the antennas.

Mr. Showalter: The antennas require new cables.

Mr. McConnell: Are we then removing old cables? Are we going to end up with 12 cables where we had 6 cables? Or, are we going to end up with 6 cables where we had 6 cables?

Steve Hutchinson: We are going to end up with 18 cables where there were 12 cables.

Mr. McConnell: Ok. So, you are adding cables. Those cables don't give any additional capacity, it would just be redundancy.

Steve Hutchinson: Right.

Mr. McConnell: Ok. Thank you.

Mr. Kennedy makes a motion to set the Verizon/Randall #3 North Warwick application for Public Hearing at the next available agenda.

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

Steve Hutchinson: Thank you.

Ryanco, LLC. / Bruce Zivari

Application for Site Plan Approval and Special Use Permit for the removal of debris from previous landowner per Town Code Chapter 150 – excavation permit for the removal of logs and stumps, situated on tax parcel S 61 B 1 L 56.2; project located on the western side of Penaluna Road 600 feet north of Old Tuxedo Road (107 Penaluna Road), in the MT zone, of the Town of Warwick.

Representing the applicant: David Griggs, ERS Consultants.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – pending
4. Architectural Review Board – pending
5. This property received a Notice of Violation from NYSDEC dated 01/26/04 for operating a solid waste facility (over 5,000 cubic yards of tree stumps for over 18 months) without a permit. There was also an observed discharge from site at that time without a SPDES permit. In 2007, NYSDEC recommended that the wood material be removed after on-site processing into wood mulch; however on-site processing is contrary to Warwick's Town Code. The information submitted does not state if the remedial plan for this site was ever finalized. It is my recommendation that the owner clarify the position with the NYSDEC and that appropriate Town Representatives are in attendance at any meetings with the NYSDEC to protect the Town's interests.
6. The planning board may want to conduct a site inspection to see the current conditions of the site.
7. The Applicant should prepare a narrative of the proposed remedial measures being proposed at this project site.
8. The Application Form states that the Tax Id is 61-1-56; documentation from the Building Department states 61-1-56.2; the correct Tax Id number must be verified and all documentation corrected.
9. Are there currently any standing or live trees that the Applicant is proposed to remove?
10. The land disturbance is currently shown on an adjacent lot to the north; the proposed activities must be maintained on the Applicant's property until a joint application is made with the adjacent land owner.
11. Is leachate occurring at the site; where, what is possible source(s), is it travelling off-site?
12. An estimate of noise generation has not been submitted.
13. The plan for the disposal of the materials has not been presented (i.e., final destination of materials).
14. If heavy vehicles are proposed to travel on Penaluna; this information should be presented to the Planning Board, including approximate weight, number of trucks to be used, and number of trips.
15. The 06/24/10 letter from the Planning Board Attorney specifically stated that this Applicant would have to comply with §150 of the Town Code; this application does not address several items within this section of code (Attachment 1).
16. Is the application for site plan and special use or only site plan? The Application Form and the Agricultural Data Statement are not consistent.

- 17. Are plans required to be signed/sealed by a professional engineer and/or land surveyor?
- 18. The Applicant should clarify what land disturbance and machinery will be required to complete the sub-surface and surface stump removal.
- 19. The property owner's within 300-ft have not been identified.
- 20. The bulk table and use group have not been identified.
- 21. The status of the five overlay districts is not shown on Sheet 1 of 1; this information should be added.
- 22. The location and uses of structures within 100-ft have not been shown.
- 23. What soil erosion measures are being proposed, especially in the steeply sloped areas?
- 24. What proposed seed mixtures, etc. are proposed in the disturbed areas?
- 25. Any Federal, state, or local wetlands, streams, or other sensitive areas located on-site or within 150-ft of the site?
- 26. Surveyor to certify that iron rods have been set at all property corners.
- 27. Payment of all fees.

The following comment submitted by the Conservation Board:

Ryanco, LLC./Bruce Zivari – None submitted.

The following comment submitted by the ARB:

Ryanco, LLC./Bruce Zivari – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The applicant has provided the Planning Board with a short EAF. It is an Unlisted Action. There no other agencies involved. 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: Penaluna Road Site

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan application by Bruce Zivari for a ± 42.95 acre parcel of land located at Penaluna Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 6/30/10 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.

David Griggs: The current owners want to go ahead and remove a lot of stumps and tree logs that are on the property. The previous owners had started a stump grinding operation several years ago. The new current owners have purchased the property. They want to go ahead and clean it up. They have contacted the DEC. I believe your engineer had found a letter from the year 2008 that says the DEC would like them to clean it up. It would be up to the Town. There is a consent order for no further disturbance. The Town Board had put that in. That was for the previous owners. We are here in front of the Planning Board to try to move forward and clean up the site.

Comment #3: Conservation Board – pending

Comment #4: Architectural Review Board – pending

Comment #5: This property received a Notice of Violation from NYSDEC dated 01/26/04 for operating a solid waste facility (over 5,000 cubic yards of tree stumps for over 18 months) without a permit. There was also an observed discharge from site at that time without a SPDES permit. In 2007, NYSDEC recommended that the wood material be removed after on-site processing into wood mulch; however on-site processing is contrary to Warwick's Town Code. The information submitted does not state if the remedial plan for this site was ever finalized. It is my recommendation that the owner clarify the position with the NYSDEC and that appropriate Town Representatives are in attendance at any meetings with the NYSDEC to protect the Town's interests.

Mr. Bollenbach: That issue has been resolved. The Town appealed the DEC's determination for onsite processing. The Town adopted a new Zoning Law that prohibits

onsite processing. That is the current status of the stipulation. There is to be no onsite processing, no onsite disturbance whatsoever. That issue has been resolved.

Mr. Showalter: Ok.

Laura Barca: What I was trying to refer to, has this current landowner approached the DEC? Who has jurisdiction over this project right now?

Mr. Bollenbach: The Town has jurisdiction.

Laura Barca: Ok.

Comment #6: The planning board may want to conduct a site inspection to see the current conditions of the site.

Mr. Showalter: Does the Board want to do a site inspection?

Mr. McConnell: Yes. I don't have any idea what we are talking about in terms of the quantity of materials here. We are going to have to try to find a recommendation or a solution. We need to know what the parameters of the problem were.

Laura Barca: Yes. I would like to see the site.

Mr. Bollenbach: Adding to Dennis's comment, that is part of the application to do some type of testing in conjunction with this to determine what is out there before the Board considers some type of a remedial plan. There will be a lot of testing involved.

Mr. Showalter: We will schedule a site visit.

Mr. Kennedy: The testing that you are referring, does it go to the issue of solid waste material or the discharge in violation of the SPEDES?

Mr. Bollenbach: Beau, it is now generally to locate the approximate areas of the material and perhaps some additional borings for what has been done. There would have to be additional testing done to find out what is there and some type of testing protocol established.

Mr. Kennedy: Right.

Comment #7: The Applicant should prepare a narrative of the proposed remedial measures being proposed at this project site.

Mr. Bollenbach: That was what I was just discussing.

Mr. Showalter: We will have to take a look at it.

Comment #8: The Application Form states that the Tax Id is 61-1-56; documentation from the Building Department states 61-1-56.2; the correct Tax Id number must be verified and all documentation corrected.

David Griggs: No problem.

Comment #9: Are there currently any standing or live trees that the Applicant is proposed to remove?

David Griggs: No.

Comment #10: The land disturbance is currently shown on an adjacent lot to the north; the proposed activities must be maintained on the Applicant's property until a joint application is made with the adjacent land owner.

David Griggs: We are not sure if the map shows if it extends off site. We are not sure. It is right on the property line. We will have to take a look at that to see if it does because it was done through aerial topography.

Mr. Showalter: It sounds like you would have to take some aerials.

David Griggs: Yes.

Comment #11: Is leachate occurring at the site; where, what is possible source(s), is it travelling off-site?

Mr. Bollenbach: Dave will verify that.

Comment #12: An estimate of noise generation has not been submitted.

David Griggs: We are not doing anything that will generate noise. We need to come to an agreement as to how we would be conducting this work and whether the Town would allow mulching of material onsite.

Mr. McConnell: It seems like you only have two options. One option is to process it on the site, which would generate a certain amount of noise. We would be looking for an estimate. The other option is to truck it offsite, which you should be able to give us an estimate on what the noise would be. That information might be helpful to us.

David Griggs: No problem.

Comment #13: The plan for the disposal of the materials has not been presented (i.e., final destination of materials).

David Griggs: As we move forward on this project, we will deal with that.

Comment #14: If heavy vehicles are proposed to travel on Penaluna; this information should be presented to the Planning Board, including approximate weight, number of trucks to be used, and number of trips.

Mr. Showalter: You probably can't tell us that until it gets closer.

Mr. McConnell: I disagree with that. You would either be trucking off mulch which you should be able to calculate that. Or, you will be pulling off stumps and trunks. I would find it useful to have some kind of an estimate. I won't hold you to it. At this stage of the

process understanding that it will be refined, as we get further into it, you will need to let us know. I would like to have some kind of information. Preliminary give us an order of magnitude of what we are looking at. That would be the same thing with the noise.

David Griggs: Sure.

Mr. Singer: It would be helpful to the applicant that the Town told the applicant what the maximum weight would be allowed on a Town Road.

Mr. Bollenbach: It is stipulated by State Law.

Mr. Singer: Is it?

Mr. Bollenbach: Yes.

Comment #15: The 06/24/10 letter from the Planning Board Attorney specifically stated that this Applicant would have to comply with §150 of the Town Code; this application does not address several items within this section of code (Attachment 1).

Mr. Bollenbach: That is the excavation permit criteria.

Mr. Showalter: Ok.

Comment #16: Is the application for site plan and special use or only site plan? The Application Form and the Agricultural Data Statement are not consistent.

Mr. Bollenbach: This would be for a site plan for an excavation permit.

Mr. Showalter: Ok.

Comment #17: Are plans required to be signed/sealed by a professional engineer and/or land surveyor?

Mr. Bollenbach: We want to have the metes and bounds location. The material has to be specifically identified. That is what a surveyor does.

Comment #18: The Applicant should clarify what land disturbance and machinery will be required to complete the sub-surface and surface stump removal.

David Griggs: Will do.

Comment #19: The property owner's within 300-ft have not been identified.

David Griggs: Will do.

Comment #20: The bulk table and use group have not been identified.

David Griggs: We will provide that.

Comment #21: The status of the five overlay districts is not shown on Sheet 1 of 1; this information should be added.

David Griggs: Ok.

Comment #22: The location and uses of structures within 100-ft have not been shown.

David Griggs: Will do.

Comment #23: What soil erosion measures are being proposed, especially in the steeply sloped areas?

David Griggs: We will provide that.

Comment #24: What proposed seed mixtures, etc. are proposed in the disturbed areas?

David Griggs: We will provide that.

Comment #25: Any Federal, state, or local wetlands, streams, or other sensitive areas located on-site or within 150-ft of the site?

David Griggs: We will provide that.

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

David Griggs: Yes. We are not doing that at this point and time.

Mr. Bollenbach: That could be a condition of the approval.

Comment #27: Payment of all fees.

David Griggs: Yes.

Mr. Bollenbach: I just want to let the applicant know that you are proceeding at your own risk. You are proceeding with the Planning Board to come up with some type of a remediation plan that the Planning Board would give its blessing to. Then you would approach the Town Board to try to sell it to them to negotiate a change the current injunction to a certain degree so that remediation could take place. I just wanted to make that clear on the record.

David Griggs: Ok. Thank you.

Mr. McConnell: Going back to the applicant discussing the project, do we have any idea what the end game is here on the property? Nobody buys property like this just to remove logs and stumps.

David Griggs: It is zoned residential. There assumption would be if they get through this, then they might want to go ahead with a residential subdivision.

Mr. McConnell: Ok.

Mr. Bollenbach: Right now, there are no current plans before this Board for a subdivision.

David Griggs: Right. There is not right now.

Mr. Showalter: Ok. The next step would be to schedule a site visit. We could discuss that at the 8/23/10 work session. The applicant has some work to do on this project.

David Griggs: Ok. Thank you.

Donald Fisk Site Plan

Application for Site Plan Approval for the demolition and reconstruction of an existing dwelling, new well, replacement of sewage disposal system, located within "A Designated Protection Area" of Greenwood Lake, situated on tax parcel S 77 B 1 L 23; project located on the western side of Shore Avenue (61 Shore Avenue) 1300 feet north of Forest Avenue, in the SM zone, of the Town of Warwick. Previously discussed at the 5/19/10 Planning Board meeting.

Representing the applicant: Jeremy Valentine from Lehman & Getz Engineering. Bob Krahulik, Attorney. Donald Fisk & Jane Pierce, applicants.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments (05/19/10)
4. Architectural Review Board (05/19/10)
 - a. Proposed elevations on all four sides
 - b. Integration of existing porch to proposed structure
5. Applicant to provide copies of Home Owner's Association road maintenance agreement.
6. On Sheet 1, the note for the modular retaining wall references Note 28; this note is now Note 27. All references to notes should be checked because Note 17 was removed.
7. The Applicant should add the leveling pad (to scale) to the Subsurface Sewage Disposal System on Sheet 3 of 4; OCDOH may want to opine on the position and 3-ft width of the leveling pad (if it will impede the percolation into the undisturbed earth).
8. The aerobic septic system requires that a copy of the three-year maintenance contract (to be renewed as appropriate) with annual verification stating that the contract is still in place be submitted to the Building Department.
9. Surveyor to certify that iron rods have been set at all property corners.
10. Payment of all fees.
11. A dye test will need to be conducted after the new septic system has been installed.

The following comment submitted by the Conservation Board:

Donald Fisk Site Plan – None submitted.

The following comment submitted by the ARB:

Donald Fisk Site Plan – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has been acting as Lead Agency. The Planning Board had declared itself Lead Agency at a prior meeting. There are a couple of comments in the review comments tonight that relate to SEQR.

Comment #2: Applicant to discuss project.

Jeremy Valentine: We propose to replace an existing house with a slightly larger house. We will be replacing a failing septic system with a new septic system and installing a new well. The project is located within "A Designated Protection Area" of Greenwood Lake.

Mr. Singer: Will you be taking down an existing house and putting another one on the same footprint?

Jeremy Valentine: It would be very close to the same footprint. It is going out a little bit on the two sides.

Mr. McConnell: That would not actually be renovations as our description reads.

Jeremy Valentine: He is keeping a portion of it.

Jane Pierce: It is an enclosed porch that was built a few years ago.

Mr. Showalter: Some of it would still be there. I guess it would qualify.

Mr. McConnell: John, do we have a legal distinction here?

Mr. Bollenbach: I will take a look at it with the Building Inspector to see if it is a renovation or a replacement. I will also discuss it with Mr. Krahulik.

Comment #3: Conservation Board – no comments (05/19/10)

Comment #4: Architectural Review Board (05/19/10)

- a. Proposed elevations on all four sides
- b. Integration of existing porch to proposed structure

Jeremy Valentine: Regarding comment #4-a, we sent the elevations to the Planning Board on 6/9/10. Are they looking for something more than what we had submitted?

Mr. Bollenbach: Get in touch with Laura on that to see what we have.

Jeremy Valentine: Ok.

Laura Barca: Ok. I could re-forward it to the ARB. They should have it. I will double check on that.

Jeremy Valentine: Ok.

Laura Barca: What date was it that you sent it?

Jeremy Valentine: I sent it to Connie on 6/9/10.

Laura Barca: Ok.

Jeremy Valentine: Regarding comment #4-b, how much of a rendering are they looking for? We have a sketch showing them how it would be tied in. Do they want full architectural drawings on this?

Mr. McConnell: You would have to take that up with the ARB. That is their comment.

Mr. Bollenbach: Maybe, you should go to an ARB meeting. See what they are looking for. Maybe they are looking for types of materials that would be used. You might want to have a material list to give to them.

Mr. Showalter: I think a rendering of a drawing might be good.

Comment #5: Applicant to provide copies of Home Owner's Association road maintenance agreement.

Mr. Bollenbach: That is still in progress. I took a look at that under the Department of State. The corporation was recorded back in 1911. It was called The Forest Park Association of Greenwood Lake, Inc. It has been around for quite some time. I have also reached out to the HOA to get copies of the Bi-Laws and the Road Use and Maintenance Agreement. The President of the HOA is currently on vacation. I have put in a request for that information. I haven't received any details regarding that specifically. We have received some information regarding the cost which was roughly \$1,000.00 a year for the maintenance of the road, common areas, and the common facilities, etc... I have talked to Mr. Krahulik about that. He has discussed it with his client. They are willing to have some type of a declaration requiring participation in the HOA, Use & Maintenance of the Road, and the common facilities.

Bob Krahulik: I have talked to the Fisk family about this. The property wasn't used in the winter time. It was a seasonal bungalow. He acknowledged the importance of having snow clearing and the roads maintained. What we are proposing and I have discussed this with Mr. Bollenbach, we would provide a declaration that would commit and obligate ourselves to contribute towards the Road Maintenance and pay the amount to the HOA. We propose this to start on 1/1/11. We would obligate ourselves in the form of a legal declaration that would be recorded with the County Clerk. That would preserve our ability to continue our legal fight with 17 years worth of HOA charges claimed to be due. They did send an extensive package to me which I forward to Mr. Bollenbach. It doesn't include the documents that we requested. It includes invoices from the last 17 years. It also includes cases that they are relying on when they say that the Fisk decision is no longer applicable. The big distinctive between the three or four cases that they had sent is that the HOA appeal on these cases had won. It is distinguishable from our case where we won. They did not appeal. I can't explain why that happened. They did the language in our deed a little bit different from the other deeds because our deed expressly states that obligation to participate is optional. Maybe that is because we have a lakefront piece of property. We have no real practical use of the beach. They could dive right off the shoreline and use the lake. That is not true for many of the homes in Forest Park. Many of those homes are up the hill. Without the beach, they would have no lake access. I wanted to bring that important distinction to your attention because her correspondences in her cases argue that we that to take it because these cases are the law. That is not true. The law in our case says that we don't have to pay. We have discussed this before. We are willing to step up to the plate and obligate ourselves to pay going forward.

Mr. Singer: I was under the impression that Mr. Fisk was against paying the whole thing because he wouldn't be using the beach.

Bob Krahulik: I looked at the materials that Joan Cerone had sent me. They break out in a form of a budget and a fact sheet. The fees are due for road maintenance, snow removal, the boat dock fees are optional. We would pay all the fees associated with road maintenance and snow removal. We would not pay for a boat dock, beach, and lifeguards.

Mr. Singer: Is there anyone else on the road that only pays for the road servicing and not the other stuff?

Bob Krahulik: I don't know about that. I do know that there are homes on East Shore Road, which is a public road that is maintained by the Town. They are not required to pay for road maintenance. But, they use the beach. They pay the fees for the use of the beach. I know it is the case of reverse. We would ask that this project be set for a public hearing. Hopefully someone from the HOA preferably Joan Cerone would be here to answer all of these questions for us. We could then reach a firm understanding as to what we would be paying as of 1/1/11 and leave the issue open on all of the past due charges.

Mr. McConnell: Tell me again, what this declaration would say starting on 1/1/11.

Bob Krahulik: Beginning 1/1/11, the owner of this property, his successors, heirs, and assigned, would agree to pay all HOA common charges attributed to road maintenance, road repair, and snow removal.

Mr. McConnell: Ok. I understand.

Mr. Bollenbach: That is still yet to be determined. There are certain administrative costs. How do you break that down for the insurance? There is a basic \$525.00 fee to become a member of the HOA and to include participation for maintenance of the private road and the common facilities.

Mr. McConnell: I understand that. When we discussed this at the Work Session, one of our major concerns, and I am speaking for myself that I was concerned about being sure that the Fisk's would participate in maintaining a safe access. The rest of it becomes between them and the HOA. What we are concerned about is the road access for emergency vehicles, etc...

Mr. Bollenbach: We could work on the specifics later.

Mr. McConnell: Right.

Mr. Singer: I don't think the HOA wants to accept them with just a partial fee.

Mr. Bollenbach: That is irrelevant. We are putting it in a declaration. There will be an obligation. That is it.

Mr. Singer: Ok.

Mr. Bollenbach: It becomes a civil matter from there on. We are not involved in that. We just want to make sure that there is safe and adequate access to the property. That is it.

Bob Krahulik: We will be required to pay for road maintenance and snow removal. There would be a document of record that the HOA could rely on. There still may be disagreements about what constitutes snow removal or administrative beach expenses. We would no longer be able to say that we have no obligation at all. We will have an obligation.

Mr. Showalter: It sounds like they are moving forward. They are going to give the HOA what they want in order to belong to it and live up to their obligations.

Mr. Bollenbach: I think the applicant is trying to address the Planning Board's concerns.

Mr. Showalter: Yes. That was what I was trying to get at. They need to cooperate with us.

Comment #6: On Sheet 1, the note for the modular retaining wall references Note 28; this note is now Note 27. All references to notes should be checked because Note 17 was removed.

Jeremy Valentine: We will revise that.

Comment #7: The Applicant should add the leveling pad (to scale) to the Subsurface Sewage Disposal System on Sheet 3 of 4; OCDOH may want to opine on the position and 3-ft width of the leveling pad (if it will impede the percolation into the undisturbed earth).

Jeremy Valentine: The wall is only a 2-1/2 foot high wall. What we are going to do is shrink it to be with the leveling pad to be just into where the stone is. We will not extend underneath the field at all. The stone goes back about 6". That would be as far back as where the leveling pad would go.

Laura Barca: It will be flushed with the inside. Ok.

Comment #8: The aerobic septic system requires that a copy of the three-year maintenance contract (to be renewed as appropriate) with annual verification stating that the contract is still in place be submitted to the Building Department.

Jeremy Valentine: Will do.

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

Jeremy Valentine: Will do.

Comment #10: Payment of all fees.

Jeremy Valentine: Will do.

Comment #11: A dye test will need to be conducted after the new septic system has been installed.

Jeremy Valentine: Will do.

Mr. Bollenbach: Laura, have you developed a protocol for the dye test?

Laura Barca: Yes. It is good.

Mr. Bollenbach: Ok.

Mr. Showalter: Ok. Does the Board want to set this application for a public hearing?

Mr. Singer makes a motion to set the Donald Fisk Site Plan application for a public hearing at the next available agenda.

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

Jeremy Valentine: Thank you.

Bob Krahulik: Thank you.

Marianne Manzolillo Site Plan

Application for Site Plan Approval for the construction and use of a swimming pool and associated cabana and retaining walls which are located in "A Sensitive Area" of Greenwood Lake, situated on tax parcels S 73 B 5 L 5; project located on the western side of Brook Trail (159 Brook Trail) 30 feet west of the dwelling, in the SM zone, of the Town of Warwick. Previously discussed at the 4/21/10 Planning Board meeting.

Representing the applicant: Marianne Manzolillo, Applicant.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board
 - a. Recommend dye test (completed 05/12/10).
 - b. Recommend site inspection (completed 04/26/10).
4. Architectural Review Board – **Attachment 1**
5. The Applicant is proposing ivy to grow along the front face of the retaining wall; this type of ivy is deciduous and will lose its leaves but the vine will remain. Adequate cover for the retaining wall should be in place year round. The ivy plants are shown on the plan, although many of them are shown on top of the wall. The Applicant should clarify that the ivy will be planted at the bottom of the wall, in the ground. Provide planting details for the ivy.
6. If the Applicant is choosing to provide the retaining wall in a color, a color sample (including texture) shall be submitted.
7. Details need to be shown for the proposed lighting to demonstrate that lighting will be in accordance with §164-43.4 Lighting, as adopted on 02/18/10. Manufacture cut sheets should be provided, illustrating fixture's photometrics, as required in §164-43.4(C). §164-43.4(E)2. Uplighting is prohibited. Externally lit signs, displays, buildings, structures, streets, parking areas, recreational areas, landscaping, and other objects lit for aesthetic or other purposes must be lit from the top and shine downward (except, Lighting, preferably low voltage, that is considered a landscape or building design element and is integral to the aesthetic value of the design, as determined by the Planning Board or Building Inspector.
8. Root type should be included (balled and burlapped, bare root, container). A plant size should be specified from the Boston Ivy. What is the owner's preference for the shrubs? All species should be identified in the list, and on the plans. Landscape notes should be included (warranty, landscape contractor responsibilities, mulch specifications, seeding, etc.)
9. The drainage outlet at the top of the steep slope should be moved to the bottom of the steep sloped area by extending the drainage piping system down the face of the slope or burying the pipeline.
10. Detail added to Sheet 3 of 4, the color of the fence posts and fencing should be called out in notes for this detail. Include details for installing the fence on the proposed retaining wall. The manufacturer's website includes typical details. If the fence is attached to the retaining wall, include the wind load on the fence in designing the retaining walls and global stability analysis (unless preliminary analysis shows the wind load to be negligible).
11. The Applicant's engineer should submit Manufacturer's Design Manual, Specifications and Catalog. The requested information was not submitted. The manufacturer's website shows a 40 page Design and Construction Reference Manual, CSI Master Format Specifications, Shapes Catalog, etc.

12. Include Construction Specifications for compaction of fill, wall construction, etc. Add recommendations 4 & 5 from the Geotechnical Engineering Report to the drawings as construction specifications for the fill. Include Construction Specifications for wall construction (See Article 3.5 of the CSI Master Format Specification from the manufacturer's website for guidance).
13. Provide "drain tile", behind each wall, consistent with the manufacturer's specifications.
14. The manufacturer recommends the spacing of terraced walls to be greater than twice the height of the lower wall (only applies to spacing between top and middle walls). Walls spaced closer need to consider the additional stress incurred from the upper wall (i.e., the middle wall should incorporate the stresses of the upper wall). The one page calculations submitted do not support the statement, "The retaining wall design does include the additional loads from the wall above." Provide calculations clearly showing the design meets global stability requirements.
15. Add grout requirements/specifications to drawings.
16. Show allowable wall design parameters (bearing pressure, friction factor, etc.) and basis (presumptive value, previous work in the area, etc.). The one page calculations submitted do not show the allowable wall design parameters. Submit complete design calculations showing allowable wall design parameters and documenting global stability.
17. Show approximate boring locations on Site Plan (Sheet No. 1 of 3) and add a reference to the Geotechnical Report that was prepared.
18. Add Recommendation 6, from the Geotechnical Engineering Report to the drawings denoting required special inspections.
19. The Stormwater Calculations will need to be signed and sealed by a Professional Engineer.
20. The Site Plan (Retaining Wall) Section View A-A should have a note that references the ReCon Retaining Wall Design that was submitted.
21. A three-year landscaping bond shall be established for all plantings shown on the drawing. The purpose of this bond is to ensure the re-planting if the plant dies within 3 years of planting.
22. The declaration information for the Agricultural, Aquifer, and Traditional Neighborhood Overlay Notes will need to be shown on the drawing.
23. Payment of all fees.

Attachment (1): 1) ARB Comments, dated July 27, 2010

The following comment submitted by the Conservation Board:

Marianne Manzolillo Site Plan – None submitted.

The following comment submitted by the ARB, dated 7/27/10:

Marianne Manzolillo Site Plan - A copy of the comments we had made to Marianne Manzolillo are attached. She had anticipated having those working drawings by 6/30 – and that was obviously delayed in terms of the site plan drawings.

1) The ARB would like to see working drawings/construction drawings for the pool house. While Mrs. Manzolillo doesn't believe it is necessary to hire an architect, she is going to need some type of construction drawings before she can obtain a building permit for the pool house, especially since it has to comply with fire codes, and will have water and electric service.

Mrs. Manzolillo indicated to us that they intend to use it for a recreation (billiards, table tennis,

and home entertainment area, with perhaps a ½ bath, efficiency kitchenette).

- 2) The sketch she has only shows two oblique angles, and we would like to see what her plans for fenestration and other egress points are. Egress points are important in terms of meeting safety and fire codes and getting her permit.
- 3) Fenestration patterns may be visible from the neighboring property.
- 4) We suggested verbally to Mrs. Manzolillo that she should look at architectural shingles for the pool house that would have a variety of dimensions and slight color variations – and the cost difference is minimal if any.
- 5) We would like to see what she intends to use for trim, as this will help soften the pool house in the landscape. Trim around doors, windows, and edge boards for the shingles she's using.
- 6) Also, fencing – around the pool house and, as the Planning Board has requested, around the pool. We do not anticipate anything more than a neutral or dark clad chain link.
- 7) One last point, which we had not anticipated before, given that the site is prone to erosion under the best of circumstances, the provisions being made to back-wash the pool without creating erosion on the slope.

Until we see those sketches and samples, we will wait to comment.

This may be early in the process for the Manzolillos, and they certainly should proceed with the footprint of the poolhouse, as well as provisions for running water and electric service. But, we and the Planning Board should have samples in hand of the proposed materials before final approval.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has declared itself Lead Agency. We are in the SEQR review process and collecting information. There are some comments in the review comments tonight that relates to SEQR.

Comment #2: Applicant to discuss project.

Marianne Manzolillo: We propose to install a pool, cabana, shuffleboard court, and a series of retaining walls.

Mr. Showalter: Ok. I think we all know what she is doing out there because we had a site visit to her property.

Comment #3: Conservation Board

- a. Recommend dye test (completed 05/12/10).

Mr. Showalter: I imagine that had passed.

Marianne Manzolillo: Yes.

b. Recommend site inspection (completed 04/26/10).

Mr. Showalter: We had done that.

Comment #4: Architectural Review Board – **Attachment 1**

Connie Sardo: It is attached. The Planning Board has copies of the ARB comments, dated 7/27/10.

Marianne Manzolillo: There were different details requested. I am ready to submit it as part of the package. Or, do I submit the information directly to the ARB?

Laura Barca: You could submit it to Connie.

Mr. Showalter: Submit it to Connie at the Planning Department. She will make sure it gets into the right hands.

Marianne Manzolillo: Ok.

Comment #5: The Applicant is proposing ivy to grow along the front face of the retaining wall; this type of ivy is deciduous and will lose its leaves but the vine will remain. Adequate cover for the retaining wall should be in place year round. The ivy plants are shown on the plan, although many of them are shown on top of the wall. The Applicant should clarify that the ivy will be planted at the bottom of the wall, in the ground. Provide planting details for the ivy.

Mr. Showalter: I don't think Ivy grows out of concrete block.

Marianne Manzolillo: Perhaps instead of Ivy, I would like to stain the concrete. I took a picture of the house from the Indian Park Clubhouse. You can't even see it from there.

Mr. Showalter: You wouldn't see it at this time of the year.

Marianne Manzolillo: It is not visible at this time of the year. I question whether it would even be visible anyway. I would like to ask if I could stain the concrete instead of doing the Ivy. I would go with a neutral color.

Mr. Bollenbach: It would be that or in addition to. That would be comment #6.

Comment #6: If the Applicant is choosing to provide the retaining wall in a color, a color sample (including texture) shall be submitted.

Mr. Showalter: You could submit the color samples. We will take a look at that.

Mr. Bollenbach: That would be including the texture.

Marianne Manzolillo: Ok. I will get pictures to you and the ARB.

Comment #7: Details need to be shown for the proposed lighting to demonstrate that lighting will be in accordance with §164-43.4 Lighting, as adopted on 02/18/10. Manufacture cut sheets should be provided, illustrating fixture's photometrics, as required in §164-43.4(C). §164-43.4(E)2. Uplighting is prohibited. Externally lit signs, displays, buildings, structures, streets, parking areas, recreational areas, landscaping, and other objects lit for aesthetic or other purposes must be lit from the top and shine downward (except, Lighting, preferably low voltage, that is considered a landscape or building design element and is integral to the aesthetic value of the design, as determined by the Planning Board or Building Inspector.

Marianne Manzolillo: We don't have any lights pointing upwards. The lights are more of a geo ground lights. They are low lights right on the ground with a cover on them. They are only 60 watts. They wouldn't be shining in anyone's eyes. There are overhead lights that would shine downwards.

Mr. Showalter: Ok.

Mr. Bollenbach: Laura, is that sufficiently detailed? They would have to provide some type of details.

Laura Barca: There are some details on the plans.

Marianne Manzolillo: Gerry, did say he would put those on the plans.

Mr. Showalter: What Gerry needs to do is provide those details to our Engineer. Our Engineer would then review those details.

Marianne Manzolillo: Ok.

Mr. Bollenbach: The rest of these comments are more technical comments. Laura, are these comments something that Gerry would have to get in touch with you on?

Laura Barca: Yes. Marianne, if you have a specific question on any of these comments, we could go over it.

Marianne Manzolillo: I don't have a specific question. We are ready to address everyone of them. Most comments are technical in nature. We plan on submitting revised plans by 8/11/10 to be on the next work session.

Laura Barca: Ok. Roger, as long as everything is submitted by Mrs. Manzolillo by next Wednesday, I have no problem with the Board setting this application for a public hearing.

Mr. Showalter: Ok. We will list comments 8 through 23 for the record.

Comment #8: Root type should be included (balled and burlapped, bare root, container). A plant size should be specified fro the Boston Ivy. What is the owner's preference for the shrubs? All species should be identified in the list, and on the plans. Landscape notes should be included (warrantee, landscape contractor responsibilities, mulch specifications, seeding, etc.)

Comment #9: The drainage outlet at the top of the steep slope should be moved to the bottom of the steep sloped area by extending the drainage piping system down the face of the slope or burying the pipeline.

Comment #10: Detail added to Sheet 3 of 4, the color of the fence posts and fencing should be called out in notes for this detail. Include details for installing the fence on the proposed retaining wall. The manufacturer's website includes typical details. If the fence is attached to the retaining wall, include the wind load on the fence in designing the retaining walls and global stability analysis (unless preliminary analysis shows the wind load to be negligible).

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Comment #13: Provide "drain tile", behind each wall, consistent with the manufacturer's specifications.

Comment #14: The manufacturer recommends the spacing of terraced walls to be greater than twice the height of the lower wall (only applies to spacing between top and middle walls). Walls spaced closer need to consider the additional stress incurred from the upper wall (i.e., the middle wall should incorporate the stresses of the upper wall). The one page calculations submitted do not support the statement, "The retaining wall design does include the additional loads from the wall above." Provide calculations clearly showing the design meets global stability requirements.

Comment #15: Add grout requirements/specifications to drawings.

Comment #16: Show allowable wall design parameters (bearing pressure, friction factor, etc.) and basis (presumptive value, previous work in the area, etc.). The one page calculations submitted do not show the allowable wall design parameters. Submit complete design calculations showing allowable wall design parameters and documenting global stability.

Comment #17: Show approximate boring locations on Site Plan (Sheet No. 1 of 3) and add a reference to the Geotechnical Report that was prepared.

Comment #18: Add Recommendation 6, from the Geotechnical Engineering Report to the drawings denoting required special inspections.

Comment #19: The Stormwater Calculations will need to be signed and sealed by a Professional Engineer.

Comment #20: The Site Plan (Retaining Wall) Section View A-A should have a note that references the ReCon Retaining Wall Design that was submitted.

Comment #21: A three-year landscaping bond shall be established for all plantings shown on the drawing. The purpose of this bond is to ensure the re-planting if the plant dies within 3 years of planting.

Comment #22: The declaration information for the Agricultural, Aquifer, and Traditional Neighborhood Overlay Notes will need to be shown on the drawing.

Comment #23: Payment of all fees.

Attachment (1): 1) ARB Comments, dated July 27, 2010

Mr. Singer: Have you applied for any variances with the ZBA?

Marianne Manzolillo: There are no variances required.

Mr. Singer: I am looking at the plan. I see that in the SM zone that the minimum side yard is 18 feet. The plan shows that you are putting the pool 15 feet from the property line.

Marianne Manzolillo: I was told that the pool needed to be 15 feet from the property line.

Mr. Bollenbach: Carl, there are different yard requirements if it was for a house or a dwelling. If it is for a garage or an accessory structure, there are different requirements for setbacks.

Mr. Singer: Is there a specific requirement for a swimming pool?

Mr. Bollenbach: I believe it is the 15 feet. Laura, we could take a look at the specific setbacks just to confirm them.

Laura Barca: Ok.

Mr. Showalter: Carl, I think it fits. I can remember asking that question back in April.

Mr. Bollenbach: I thought we had reviewed that.

Mr. Showalter: Carl, did you go to the site visit.

Mr. Singer: I just went to the site recently.

Mr. Showalter: Ok. We did a site visit on a nasty rainy day.

Mr. Singer: I looked in the Code. I could not find the requirements for the pool.

Mr. Bollenbach: It is under the Supplemental Regulations and Residential Districts. It would be under §164-45.1.

Mr. Singer: Ok.

Mr. Showalter: Does the Board want to set this application for a public hearing?

Mr. Kennedy makes a motion to set the Marianne Manzolillo Site Plan application for a public hearing at the next available agenda.

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

Marianne Manzolillo: Thank you.

Other Considerations:

1. **Charles & Viviana Holmes Site Plan** – Planning Board to discuss scheduling a Site Visit at the Holmes Project located on 76 Lake Shore Road, Greenwood Lake, NY. SBL # 75-1-8.2.

Mr. Showalter: Would the Board be interested in doing the Holmes site visit at the same time when we do the Ryanco site visit? Did you want to do it sooner? We could discuss it at the 8/23/10 Work Session.

Connie Sardo: Do you want me to put this on the Work Session?

Mr. Showalter: Yes.

2. **Pine Island Bible Church & Eurich LL Change** – Letter from John McGloin, PLS., dated 7/27/10 addressed to the Planning Board in regards to the Pine Island Bible Church & Eurich Lot Line Change – requesting a 6-Month Extension on Final Approval of a proposed lot line change, situated on tax parcels SBL # 15-2-2.22 & SBL # 15-2-4.1; parcels located on the southerly side of Little Brooklyn Road 400± feet easterly of C.R. #1, in the SM zone, of the Town of Warwick. Final Approval was granted on, 2/17/10. *The applicant has stated that they are in the process of preparing deeds to be filed at the O.C. Clerk's office with regard to the lot line change. They are asking for the extension so they would have some time to complete the deeds.* The 6-Month Extension becomes effective on, 8/17/10.

Connie Sardo: This is their first 6-Month Extension request on their final approval. I have spoken to John McGloin about this. He is working on everything. He just needs a little more time.

Mr. Showalter: I have no problems.

Mr. McConnell: Is 6-Months a reasonable amount of time to prepare the deeds involved here? This doesn't seem like one of the ones where the cost was a concern.

Mr. Bollenbach: It all depends what the priorities are.

Mr. McConnell: Ok. If this is their first request, I don't have a problem with given them an extension.

Mr. Showalter: Right.

Mr. McConnell makes a motion on the Pine Island Bible Church & Eurich application, granting a 6-Month Extension on Final Approval of a proposed Lot Line Change. SBL # 15-2-2.22 & SBL # 15-2-4.1. Final Approval was granted on 2/17/10. The 6-Month Extension becomes effective on, 8/17/10.

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

3. Planning Board Minutes of 7/21/10 – Planning Board Minutes of 7/21/10 for Planning Board's Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 7/21/10.

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

4. Planning Board to discuss cancelling the 8/9/10 Work Session & 8/18/10 Planning Board Meeting.

Mr. McConnell makes a motion to cancel the 8/9/10 Work Session and the 8/18/10 Planning Board meeting.

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

Correspondences:

Privilege Of The Floor For Agenda Items!!

Mr. Showalter: 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 August 4, 2010 Planning Board meeting.

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