

TOWN OF WARWICK PLANNING BOARD

October 3, 2007

Members present: Chairman, Benjamin Astorino
Russell Kowal, Dennis McConnell
Roger Showalter, Carl Singer
Zen Wojcik, Tectonic Engineering
J. Theodore Fink, Greenplan
John Bollenbach, Planning Board Attorney

The regular meeting of the Town of Warwick Planning Board was held Wednesday, October 3, 2007, 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.

Review of Submitted Maps:

Panoramic Farms c/o Irwin Peckman

Application for sketch plat review of a proposed 47-Lot + 4-Affordable Homes subdivision, entitled, "***Mountain View Estates***", situated on tax parcel S 18 B 1 L 2; parcel located on the eastern and western sides of Ridge Road 1500 feet south of Taylor Road, in the MT/RU zones, of the Town of Warwick. Previously discussed at the 5/16/07 and 6/6/07 Planning Board meetings.

Representing the applicant: Kirk Rother, Engineer. Mr. Lipman, Attorney.

The following review comments submitted by Tectonic:

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

YIELD PLAN (DATED 4/24/07)

3. Include parcel owner's address on plan.
4. Identify federal jurisdictional wetlands on site.
5. Include Overlay Protection District table..
6. Revise Bulk Table for MT zone for appropriate use group ("a").
7. Dimension setback lines.
8. In determining the buildable area for each lot, per §137-21A(3), locations in soils with shallow depth to bedrock (less than 1.5 feet) are unacceptable. Thirteen of the proposed yield lots show buildable areas located in RSB or RSD soils where the potential depth to bedrock is 18 inches or less. Applicant to discuss.
9. Determine lot density using the Environmental Control Formula, §164-41.3, or provide percolation and deep test pit information for each yield lot.
10. Show conceptual drainage design.
11. Provide profiles for the proposed roads. Note if the roads are intended to be private or Town roads.

CLUSTER PLAN (DATED 4/24/07)

12. Applicant proposes over 40 lots. Per §164-46J(100), four affordable housing units are required. Potentially, this subdivision may exceed 49 lots. The provisions of §137-7B(3)(b) apply. Applicant to discuss.

13. A significant portion of the proposed development is situated in ErA, ErB, and RSB soils; Group VII and VIII soils which are marginally suitable for septic absorption systems. Exemptions may be granted by the Board on "one-lot minor subdivisions". On site RSD soils are Group XII soils (**PRIMARY CONSERVATION AREA**) unsuitable for septic systems. The Town of Warwick encourages community septic systems for cluster subdivisions. Applicant to discuss community septic or provide justification for siting a number of individual septic systems in marginal soil.
14. The parcel includes a wetland area and headland of a stream which may be a significantly environmentally sensitive area. Applicant to provide information concerning this specific wetland. Discuss potential impacts and mitigation of those impacts.
15. The proposed development proposes a significant number of new homes which, in addition to existing homes and other planned and approved developments in the project area, may strain the capacity of the existing Town roads in the vicinity of the parcel. Applicant to provide information to quantify the potential impacts, identify intersections of concern, and make recommendations for mitigation.
16. The Cluster Plan shows that the existing farmstead will remain as Lot 1, a 27.17 acre lot with wetlands, steep slopes and poor quality soils. Applicant to discuss the potential for a viable agricultural use to be established on this proposed lot.
17. The proposed 47 lot subdivision, when fully built out, will represent a significant increase in the population of this section of the Town. Applicant to provide information on the ability of the social infrastructure, including schools, recreation facilities and retail stores, to absorb the impact of this increase.
18. Board to discuss preparation of an Environmental Impact Statement for this application.

The following comment submitted by the Conservation Board, dated 10/3/07:

Panoramic Farms c/o Irwin Peckman (Mountain Views Estates) - The CB notes that this potentially 53 lot subdivision on 169 acres has been given a Positive Declaration with a Type I SEQR Status. Over one mile of roadway will be constructed to access the building lots. Soils of statewide significance may be lost. The location of the property in the Ridge-line Overlay may adversely affect scenic views. Construction on slopes greater than 15% appears to be proposed. There are wetlands and streams that may be adversely impacted during construction. Almost any one, standing alone, of these impacts could support a Positive Declaration.

The Orange County Department of Planning notes that due to proximity of agricultural lands, steep slopes, Quaker Creek (a tributary to the Walkkill River), etc., the property is "marginal for development and recommend that the applicant substantially decrease the number of proposed lots." The CB concurs with OCDP recommendation.

OCDP also objects to the open space residing across five lots and recommends that two or three, at the most. OCDP also recommends that a land trust be used to preserve the open space and that a homeowners association should not own and protect the open space. The CB concurs with OCDP.

Finally, OCDP notes that OC Health Department requires community water and sewer when 50 or more lots are proposed. However, since the primary recommendation is to reduce the yield, it is not likely that central water and sewer would be required.

The CB notes that bedrock is fairly close to the surface, i.e., 18 inches or less and concurs with the PB's Engineer that all lots provide percs and deeps.

This parcel since it is benefited by a stream and wetlands is likely to be an environmentally sensitive area and more information should be provided on the flora and fauna.

The following comment submitted by the ARB, dated 10/1/07:

Mountain View Estates – ARB had no comments.

Comment #1: Board to discuss SEQR.

Mr. Fink: The Planning Board has declared Lead Agency on this application. It is a Type 1 Action. We have a full EAF that was prepared by the applicant. Previously, we had discussed whether or not the Planning Board would issue either a Positive Declaration or a Negative Declaration. There has been a Draft Positive Declaration prepared for the Board's consideration.

Mr. Lipman: We invite a positive declaration.

Mr. Astorino: I think that is the Board's decision anyhow. Is a Positive Declaration ok with the Board?

Mr. McConnell: Yes.

Mr. Kowal: Yes.

Mr. Singer: Yes.

Mr. Showalter: Yes.

Mr. Showalter makes a motion for the Positive Declaration.

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

617.7 and 617.12

State Environmental Quality Review (SEQR)

Positive Declaration

Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS)
Determination of Significance

Date October 3, 2007

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Warwick Planning Board, as Lead Agency, has determined that the proposed action described below may have a significant effect on the environment and that a Draft Environmental Impact Statement will be prepared.

Name of Action: Mountain View Estates Subdivision

SEQR Status: Type I
Unlisted

Description of Action: The proposed action consists of a 53-lot cluster subdivision of a \pm 169-acre parcel. The applicant has proposed that all 53 lots, proposed for 53 new single-family dwellings, be served by individual wells and individual septic disposal systems. Four of the proposed 53 lots would be designated for affordable housing under the Town of Warwick's affordable housing program. Approximately 5,400 feet of new roads are proposed along with two common driveways that would serve 11 dwellings. The site consists predominantly of approximately \pm 54 acres of farmland (32% of the site), \pm 112 acres of forested land (66% of the site), and \pm 2.5 acres of State Protected Freshwater wetlands (0.15% of the site). Additional areas of Federal Jurisdictional Wetlands may also be located on the parcel. The applicant has proposed that 53.5 percent of the site be conserved as open space under a proposed cluster subdivision plan.

Location: Old Ridge Road, Town of Warwick, Orange County New York
Rural, Mountain, Ridgeline Overlay, and Agricultural Protection Overlay Zoning districts
Section 18, Block 1, Lot 2

Reasons Supporting This Determination:

1. The proposed action would require construction activities on slopes of 15 percent or greater and in areas where bedrock is at or near the surface. This has the potential to cause soil erosion and subsequent sedimentation of protected surface waters.
2. The proposed action includes construction activities adjacent to protected wetlands and streams. The discharge of stormwater runoff from developed areas on the site would be directed to such wetlands and stream.
3. The proposed action would require the use of approximately 27,560 gallons of water per day from 53 individual groundwater wells to supply the potable needs of the future residents of the development. Approximately the same amount of sanitary sewage would be discharged into 53 individual septic disposal systems. These proposals for individual water supply and sewage disposal do not meet the requirements of Chapter 137 of the Warwick Town Code nor the Realty Subdivision requirements found in New York State Public Health regulations at 10 NYCRR 74 and 6 NYCRR 653.
4. The proposed action will irreversibly convert soils of statewide significance on active farmland within a New York State Agricultural District and is in an area where the

Town of Warwick has made significant expenditures of public funds for the purchase of development rights on adjoining farmland and nearby farms.

5. The proposed action has the potential to impact traffic on local and county roads as well as pedestrian movements in the area.
6. The proposed action is located within the Town of Warwick Ridgeline Overlay Zoning District and therefore, has the potential to affect scenic views known to be important to the community.
7. The proposed action would require approximately one (1) mile of new Town roads, potentially affecting Town services.
8. The proposed action has the potential to affect community service providers including fire, police, and schools from the additional Town residents and school children generated by the 53 new single-family dwellings.

Public Scoping of the Draft GEIS will occur as follows:

Scoping of the Draft EIS will be conducted. The applicant will first submit a Draft Scoping Document. Such Document will then be forwarded to all Involved and Interested agencies, through publication of a "Notice of Project Scoping" in the official Town newspaper, and through availability of the Draft Scoping Document on the Internet for viewing or downloading at <http://www.townofwarwick.org>. The Draft Scoping Document, once submitted, will also be available for public review at the Town of Warwick Planning Board offices. A Public Scoping Session will be scheduled to discuss the Scoping Document and additional written comments will be accepted afterwards. Following the public Scoping Session, the Planning Board will prepare and distribute a Final Scoping Document.

For Further Information:

Contact Person: Connie Sardo, Planning Board Secretary
Address: Town of Warwick Planning Board
132 Kings Highway
Warwick, NY 10990
Telephone: 845-986-1120

A Copy of this Notice Filed With:

Supervisor Michael Sweeton
Town Board of the Town of Warwick
Town of Warwick Planning Board
Town of Warwick Conservation Advisory Board
Warwick Valley Central School District
Orange County Department of Health
Orange County Department of Planning
New York State Department of Environmental Conservation
United States Fish & Wildlife Service

United States Army Corps of Engineers

Environmental Notice Bulletin

enb@gw.dec.state.ny.us

Elljay Development Inc.

Comment #2: Applicant to discuss project.

Zen Wojcik: Mr. Chairman, the rest of these comments are from the May 16, 2007 Planning Board meeting. The Board does not have to go through them again. The plans have not changed since May.

Mr. Astorino: Ok. We will list comments 2 through 18 for the record. Does the applicant have anything to address?

Kirk Rother: No.

Mr. Lipman: I do. I would like to discuss comment #15 and #17. We went through this back in May. I did not get a satisfactory explanation on what it means.

Mr. Astorino: Let me read those comments.

YIELD PLAN (DATED 4/24/07)

Comment #3: Include parcel owner's address on plan.

Comment #4: Identify federal jurisdictional wetlands on site.

Comment #5: Include Overlay Protection District table..

Comment #6: Revise Bulk Table for MT zone for appropriate use group ("a").

Comment #7: Dimension setback lines.

Comment #8: In determining the buildable area for each lot, per §137-21A(3), locations in soils with shallow depth to bedrock (less than 1.5 feet) are unacceptable. Thirteen of the proposed yield lots show buildable areas located in RSB or RSD soils where the potential depth to bedrock is 18 inches or less. Applicant to discuss.

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Comment #14: The parcel includes a wetland area and headland of a stream which may be a significantly environmentally sensitive area. Applicant to provide information

concerning this specific wetland. Discuss potential impacts and mitigation of those impacts.

Comment #15: The proposed development proposes a significant number of new homes which, in addition to existing homes and other planned and approved developments in the project area, may strain the capacity of the existing Town roads in the vicinity of the parcel. Applicant to provide information to quantify the potential impacts, identify intersections of concern, and make recommendations for mitigation.

Mr. Astorino: Zen, are you talking about a traffic study here?

Zen Wojcik: Yes.

Mr. Lipman: Why didn't you just say that?

Mr. Bollenbach: I think it is incorporating some of the County's comments as well.

Mr. Astorino: Ok. But, it is essentially talking about a traffic study.

Comment #16: The Cluster Plan shows that the existing farmstead will remain as Lot 1, a 27.17 acre lot with wetlands, steep slopes and poor quality soils. Applicant to discuss the potential for a viable agricultural use to be established on this proposed lot.

Comment #17: The proposed 47 lot subdivision, when fully built out, will represent a significant increase in the population of this section of the Town. Applicant to provide information on the ability of the social infrastructure, including schools, recreation facilities and retail stores, to absorb the impact of this increase.

Mr. Lipman: Is this the first 47 lot?

Mr. Astorino: No. It is not.

Mr. Bollenbach: It is talking about a Fiscal Analysis.

Mr. Astorino: A Fiscal Analysis on the schools, but what about the retail stores.

Mr. Lipman: A Fiscal Analysis?

Mr. Bollenbach: Yes.

Mr. Astorino: We have done that before on the schools.

Mr. Lipman: Right. I just have problems understanding.

Mr. Astorino: Recreation facilities would be taken care of with parkland fees.

Mr. Bollenbach: It would be parkland fees or it might be some type of active open recreation. That is something to be determined.

Zen Wojcik: There may be a uniquely located spot on this site that the Town might consider as a park as well.

Mr. Lipman: I have great confidence in Zen that he could find a better way to express this problem.

Zen Wojcik: I don't have a problem with this.

Mr. McConnell: Is the problem with the wording that states will represent a significant increase? Would it be better if it said it may represent a significant increase?

Mr. Lipman: No. I think 47 homes and families hardly present a significant increase. You would like some kind of a fiscal analysis. That would be fine.

Mr. Astorino: Ok. Are those the only two comments you wanted to discuss.

Kirk Rother: The Board has seen the plan. We have done a site visit. At the site visit and the workshop there was some discussion about the layout. I remember hearing the words of traditional neighborhood design utilized. I know that now is not the time to discuss it. We were hoping to get some guidance from the Board as far as the general layout.

Mr. Astorino: When it is up next, we will go through it.

Kirk Rother: I could also talk to Ted and Zen about it.

Mr. Bollenbach: Yes. Talk to Ted and Zen.

Mr. Fink: Kirk, just give me a call. Just as far as the process with the EIS, the Positive Declaration does note that scoping will be conducted. The first step would be for the applicant to prepare a Draft Scoping Document. Although the Planning Board would have to file the Positive Declaration, when we get to the Scoping Document, then we would schedule a time for the project's scope.

Mr. Lipman: Kirk, do you want to give it to him tonight?

Kirk Rother: No. Ted, refresh my memory. The Board has the option of having a public hearing. When does that occur?

Mr. Fink: There are a lot of options. I think it is in everybody's interest to do a scoping to define the issues early on. You are limited to what are the issues and concern. There need not be a public hearing necessarily on scoping. It could simply be a Scoping Session held at a regular Planning Board meeting.

Mr. Bollenbach: Ted, it is generally encouraged to let the neighbors come out and voice their concerns early on. But, it is not mandatory.

Mr. Astorino: That would make sense.

Mr. McConnell: I don't know how it would help the applicant not to have it.

Kirk Rother: We have no problem with it. The reason that I brought it up is that the public hearing would have to be held before we submit our Draft Scoping Document.

Mr. Fink: It is not a formal hearing at this point. It is a Public Scoping Session. The public is invited to make comments on that Scoping Document.

Mr. Lipman: It is on a proposed scope.

Mr. Fink: Yes. The way that it works is that the applicant prepares a Draft Scoping Document. They would submit that Draft Scoping Document to the Planning Board. The Planning Board does have to involve the public in one form or another in the scoping process. A typical way to do it is to send out the Scoping document by putting a notice in the newspaper that copies are available at the Town Hall. We would put it up on the Town's website. We would invite people to come and take a look at the Scoping Document. We would then schedule that Public Scoping Session. People could come in and make whatever oral comments that they want to make. The public could also submit written comments at the time. We could give them another week or two after the Scoping Session to submit written comments. Then, the Planning Board takes any comments and the Draft Scoping Document and incorporates anything that is deemed to be significant enough that changes to the Scoping Document. Then, it is packaged into a Final Scoping Document. That has to happen within (60) days from the date that the Draft Scoping Document is issued.

Mr. Astorino: Everything is on a timetable basically.

Mr. Fink: Yes.

Kirk Rother: When would it be appropriate to ask the Board to set that for a public hearing? Could we do it tonight?

Mr. Fink: It is typically done once the Draft Scoping Document is submitted. The (60) day clock starts when you get the document in.

Kirk Rother: So, we would submit the Draft Scoping Document first. We would have to have another meeting to set the public hearing.

Mr. Bollenbach: Yes.

Mr. Astorino: Once we review that document, then we would set the Public Scoping Session.

Mr. Bollenbach: Correct.

Mr. Astorino: We could set that with a date at that point once we have the document.

Mr. Bollenbach: Correct.

Mr. Astorino: Get the Draft Scoping Document into us, and then we will set it with a date for a Public Scoping Session.

Mr. Fink: The way it is right now, the Positive Declaration leaves it open ended. It says that there will be scoping, but there would have to be additional notice once the date has been set.

Comment #18: Board to discuss preparation of an Environmental Impact Statement for this application.

Kirk Rother: Thank you.

Mr. Astorino: We have a comment from the CB, dated 10/3/07. The ARB has no comments.

Millers Ridge

Application for sketch plat review of a proposed 16-Lot Cluster + 1-Affordable Residential Lot + 1 Commercial Lot subdivision; situated on tax parcels S 51 B 1 L 7.4 and L 41, parcels located on the eastern side of Warwick Turnpike and 1500 feet south of NYS Route 94, in the RU zone, of the Town of Warwick. Previously discussed at the 2/7/07 Planning Board meeting.

Representing the applicant: Kirk Rother, Engineer.

The following review comments submitted by Tectonic:

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

YIELD PLAN:

3. Soils in Yield Lot 15 are mapped as SXD, a Group XII soil unsuitable for septic systems. The applicant has noted that the slope designation "D" is inappropriate for the area of the proposed septic absorption field, since it is less than 15% slope. The resulting soil type, SXC, is suitable for septic systems.
4. No further comments. Board to consider completeness of Yield Plan.

CLUSTER PLAN:

5. Calculation for riprap aprons was taken from another application. Provide calculation for this application. Revise all erosion control measure detail per the *NYS Standards*.
6. Add "SCHEMATIC" to the title of sheet 10 of 12.
7. Provide a detail for the proposed 40' concrete span bridge, as noted on the Road Profile. Place a note on the detail that design plans and calculations for the structure, signed and sealed by a NYSPE, and the results of a subsurface testing program to determine soil composition, depth of rock, and bearing capacity, shall be provided for the Town Engineer's review and approval prior to ordering bridge components or beginning construction of the substructure.
8. Regarding the testing results and pavement design calculations for the proposed Town road:
 - A. According to the submitted soil laboratory testing results, most of the in-situ soils contain more than 25 percent of material finer than the #200 sieve. As the result, the roadway design should include a separation fabric between the roadway foundation and the underlying in-situ soils, as per the Town Code. The design typical roadway section, as indicated in the "Details" (Sheet 8 of 12) drawing dated 9-12-07, does not include the required separation fabric. The roadway design section also needs to indicate the thickness of the subbase layer.
 - B. The submittal does not indicate what the design pavement section is. It is unclear if the design engineer is proposing the Town standard pavement design or something else.
9. Clearly show guiderail locations. Provide a detail of NYDOT standard box beam guiderail in the plan set and reference at the guiderail location.
10. Show street trees and a sample detail for Ridgeline Overlay mitigation plantings (8 trees) on lots.

BEFORE FINAL APPROVAL:

11. Provide a signed and sealed final SWPPP. Include a copy of the submitted NOI. Revise Schematic Detention Pond Details sheet to include data from final SWPPP.
12. Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes, Agricultural Protection Notes, Aquifer Protection Overlay Notes, Stormwater Management Facility Use and Maintenance Agreement Notes, and Open Space Conservation Notes.
13. Applicant to provide 9-1-1 addressing.
14. Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at corners of open space.
15. Pay parkland fees.
16. Pay performance bond and construction inspection fee for Town road, stormwater management facilities, and erosion control.
17. Pay a 3-year term landscape bond and inspection fee for street trees, mitigation plantings, and hydric plantings at stormwater management facilities.
18. Pay outstanding review fees.

The following comment submitted by the Conservation Board, dated 10/3/07:

Millers Ridge - This subdivision was initially filed in October 2003. It will be highly visible and the CB requests the applicant to ensure that all Ridgeline Overlay requirements are met without exception. All mature trees should be preserved and the setback from the stream should be 100 feet on either side to ensure protection.

The following comment submitted by the ARB, dated 10/1/07:

Millers Ridge - Please submit full architectural designs to the ARB before issuing building permit. This is a very visible project, and it will be extremely visible and have a very high impact on the Route 94 corridor and neighboring properties.

Comment #1: Board to discuss SEQR.

Mr. Fink: The Planning Board has been acting as Lead Agency on this application. It is a Type 1 Action. We have been reviewing it with the Long EAF. The most recent submission under SEQR was a habitat study that was done by Robert Torgeson. That is currently being reviewed by Karen Schneller-McDonald. We are waiting for comments from her on that study.

Comment #2: Applicant to discuss project.

Kirk Rother: This application has been before the Board for some time. It started out as an 18-lot cluster subdivision with the 2 commercial lots that you had referenced. Since that time, we submitted a separate application in which Mr. Miller subdivided off his existing parcel fronting on County Route 21. It is now a 17-lot subdivision. Instead of the 2 commercial lots, they have now been merged into 1 commercial lot, which is lot 17. We spent a considerable amount of time with the NYS Office of Parks, Recreation, Historic Preservation regarding cultural resources that has since been satisfied. We have completed the road sub-base soil testing. We have forwarded to the Town. We have revised the street details.

Mr. Astorino: Did you change the yield plan?

Kirk Rother: Yes.

Mr. Astorino: Zen, on this submittal, was it changed?

Zen Wojcik: Yes. The yield plan was never accepted by a consensus.

Mr. Astorino: I understand that. Do we have a new yield plan reflecting the new changes?

Zen Wojcik: Yes. We do.

Kirk Rother: The only thing that I have to check is to make sure the application jives with everything.

Connie Sardo: Is it 1 commercial lot?

Kirk Rother: It is 1 commercial lot.

Mr. Astorino: Is it 17-lots plus 1 commercial lot?

Connie Sardo: It is 16-lot cluster plus 1-Affordable Home plus 1-commercial lot.

Kirk Rother: It is 17 lots by right which includes the commercial lot. The reason for the commercial is the zoning district line splits the property. There is nothing proposed on that commercial lot at this time. It would just be vacant land.

YIELD PLAN:

Comment #3: Soils in Yield Lot 15 are mapped as SXD, a Group XII soil unsuitable for septic systems. The applicant has noted that the slope designation "D" is inappropriate for the area of the proposed septic absorption field, since it is less than 15% slope. The resulting soil type, SXC, is suitable for septic systems.

Kirk Rother: I concur.

Comment #4: No further comments. Board to consider completeness of Yield Plan.

Mr. Astorino: Zen, are you all set with that soil designation?

Zen Wojcik: Yes.

Mr. Astorino: So, this yield plan is ready for a consensus.

Zen Wojcik: Yes. It is.

Mr. Astorino: Is the Board all set with that?

Mr. Kowal: Yes.

Mr. Singer: Yes.

Mr. McConnell: Yes.

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

CLUSTER PLAN:

Comment #5: Calculation for riprap aprons was taken from another application. Provide calculation for this application. Revise all erosion control measure detail per the *NYS Standards*.

Kirk Rother: We will change it. Mr. Chairman, I am ok with the rest of the comments.

Mr. Astorino: We will list comments 6 through 18 for the record. Does the Board or its Professionals have any questions on any of these comments?

Comment #6: Add "SCHEMATIC" to the title of sheet 10 of 12.

Comment #7: Provide a detail for the proposed 40' concrete span bridge, as noted on the Road Profile. Place a note on the detail that design plans and calculations for the structure, signed and sealed by a NYSPE, and the results of a subsurface testing program to determine soil composition, depth of rock, and bearing capacity, shall be provided for the Town Engineer's review and approval prior to ordering bridge components or beginning construction of the substructure.

Comment #8: Regarding the testing results and pavement design calculations for the proposed Town road:

- A. According to the submitted soil laboratory testing results, most of the in-situ soils contain more than 25 percent of material finer than the #200 sieve. As the result, the roadway design should include a separation fabric between the roadway foundation and the underlying in-situ soils, as per the Town Code. The design typical roadway section, as indicated in the "Details" (Sheet 8 of 12) drawing dated 9-12-07, does not include the required separation fabric. The roadway design section also needs to indicate the thickness of the subbase layer.
- B. The submittal does not indicate what the design pavement section is. It is unclear if the design engineer is proposing the Town standard pavement design or something else.

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Comment #10: Show street trees and a sample detail for Ridgeline Overlay mitigation plantings (8 trees) on lots.

BEFORE FINAL APPROVAL:

Comment #11: Provide a signed and sealed final SWPPP. Include a copy of the submitted NOI. Revise Schematic Detention Pond Details sheet to include data from final SWPPP.

Comment #12: Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes, Agricultural Protection Notes, Aquifer Protection Overlay Notes, Stormwater Management Facility Use and Maintenance Agreement Notes, and Open Space Conservation Notes.

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Comment #15: Pay parkland fees.

Comment #16: Pay performance bond and construction inspection fee for Town road, stormwater management facilities, and erosion control.

Comment #17: Pay a 3-year term landscape bond and inspection fee for street trees, mitigation plantings, and hydric plantings at stormwater management facilities.

Comment #18: Pay outstanding review fees.

Kirk Rother: Would the Board consider setting this for a public hearing?

Mr. Bollenbach: Zen, has the SWPPP been addressed?

Zen Wojcik: There was a conceptual SWPPP shown on the plan. The SWPPP could be prepared between preliminary and final.

Mr. Bollenbach: Ted, you brought up that precise issue regarding SEQR. In order for us to close SEQR, is this adequate with what has been provided.

Mr. Fink: John, that is a Zen question on whether or not there is sufficient detail to be able to say that there is no impact.

Kirk Rother: I have the SWPPP done. I will submit it.

Mr. Bollenbach: Ok.

Zen Wojcik: It was shown on the plan as concept.

Mr. Astorino: Submit the SWPPP.

Mr. Showalter makes a motion to set the Millers Ridge application for a Preliminary public hearing at the next available agenda.

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

Kirk Rother: Thank you.

Lands of Siegel

Application for sketch plat review of a proposed 37-Lot cluster subdivision + 3-Affordable Homes, situated on tax parcel S 24 B 1 L 37; parcel located on the western side of Prices Switch Road 1500 feet north of Drew Road, in the RU/CO zones, of the Town of Warwick.

Representing the applicant: Kirk Rother, Engineer.

The following review comments submitted by Tectonic:

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

YIELD PLAN:

3. The USDA soil boundaries are virtually indistinct on the plan and septic locations within each could not be verified. However, it appears that several septic absorption fields may be located in RMC soils, a Group VIII soil type. Septic systems shall not be installed in these soils except where they can be proven to the Board and the Town Engineer that they will function satisfactorily (§137 Appendix A). Several absorption fields seem to be located in FAC soils. OCHD has cautioned the Town against permitting absorption fields in locations where the limestone bedrock underlying this soil type is five feet or less below the existing ground. For these reasons, the Town Engineer strongly urges perc and deeps to be performed at the locations of all Yield Lot septic systems in RMC and FAC soil types.
4. The existing dwelling on Yield Lot #37 is located within the front setback, requiring a variance. No waivers are allowed on Yield Plans.
5. The proposed dwelling on Yield Lot #15 is shown in the 100-year floodplain. If this were an actual building lot it would require a development permit from the Building Department (§89-11). A condition of the permit is for the applicant to describe the extent to which the watercourse would be altered or relocated as a result of the proposed development. Provide an engineering report showing that there will be no impact on adjacent properties or other proposed lots in this application due to filling of the floodplain for the dwelling on Yield Lot #15.
6. The proposed dwelling on Yield Lot #31 is sited on slopes exceeding 15%. Although the soils in this vicinity appear to be mapped as RMC, the presence of 15% or greater slopes indicates that they should be categorized as RMD soils, a Group XII soil type where buildings shall not be constructed. Relocate the dwelling.
7. The well on Yield Lot #31 is located less than 100 feet upgrade from the proposed septic absorption field. Revise.
8. Show the limits of the Aquifer Protection Overlay District.
9. Complete the Bulk Table for the RU zone and eliminate overlapping text.
10. The Legend is incomplete; some linetypes are not included or are indistinct on the plan and should be changed. All symbols and linetypes shall be shown in the Legend.

11. Label the state border on the plan.
12. Cite the source and date of wetland delineation.

CLUSTER PLAN:

13. Provide an Overall Map showing the entire parcel with appropriate match lines.
14. The Legend is incomplete. Some linetypes are not included or are indistinct on the plan and should be changed. Do the various colors have any significance? All symbols and linetypes shall be shown in the Legend.
15. The westerly portion of the parcel is within the Town's Aquifer Protection Overlay District and may be over a NYS designated principal aquifer. Applicant to verify. The easterly portion of the parcel (near the proposed development area) is adjacent to a parcel recently subdivided where insufficient water was available in drilled wells. The entire parcel is underlain by a geologic formation where water is relatively scarce. In addition, naturally occurring high levels of radon and gross alpha radioactivity in groundwater are associated with this geologic formation. The applicant shall provide a report to justify individual wells, provide results of well testing, and discuss the potential for community water supply.
16. The Full EAF reports that the development may result in a potential large impact on a protected water body, potentially large impacts on groundwater quantity or quality, and substantial erosion. The applicant shall provide a report detailing these effects and the measures proposed as mitigation.
17. The parcel lies within the Pochuck Creek Biodiversity Area, as defined in the Metropolitan Conservation Alliance's *Southern Walkkill Biodiversity Plan*. However, the applicant has not yet verified the presence or absence of threatened or endangered species. The applicant shall provide a report including a summary of threatened and endangered species verification, the potential positive and detrimental effects of the proposed development on these and other species within the biodiversity area, and proposed mitigation measures for adverse effects.
18. The parcel lies within an agricultural district and is currently used for agriculture. The applicant shall provide information regarding the potential effect on agricultural use of the parcel caused by the proposed development.
19. Significant archaeological findings have been made within a mile of the parcel. Provide a report of the findings of an archaeological survey of the site.
20. The application proposes 40 new houses with access to an existing town road. Prices Switch Road is a narrow, winding road with substandard vertical and horizontal geometry for large volumes of vehicular traffic. Provide a study of probable traffic generation during daily peak hours and weekend traffic generation. Study the capacity and structural ability of the existing town road network to manage the potential increase in traffic considering this and other potential developments in the study area. Identify intersections of concern and make recommendations for mitigation.
21. The limitations on soils noted in the Yield Comments are also evident for a proposed Cluster Subdivision. Provide justification for situating a number of individual septic systems in marginal soils.

22. The limits of NYSDEC jurisdictional wetlands shown on the plans exceed the mapped limits of DEC Wetland PI-18. As noted in the Yield Comments, cite the source and date of wetland delineation. Provide correspondence from NYSDEC accepting jurisdiction for these additional wetland areas.
23. For the proposed 40 lot subdivision, applicant to provide information on the ability of the social infrastructure, including schools, recreation facilities and retail stores, to absorb the impact of this increase in population.

The following comment submitted by the Conservation Board, dated 10/3/07:

Lands of Siegel - The soils in a number of cases do not appear suitable for septic absorption fields, especially where limestone bedrock is close to the surface and the property is within the Aquifer Protection Overlay District. Adjacent property has experienced scarce water availability. Accordingly, the CB recommends that further study be conducted so that neighboring water supplies are not adversely affected by this development. The parcel is within a designated Biodiversity Area and therefore the applicant should be required to supply a report on the presence or absence of threatened or endangered species.

There also appears to be an issue as to the extent of wetlands. CB recommends that a wetland delineation survey be conducted.

The following comment submitted by the ARB, dated 10/1/07:

Lands of Siegel - Comments withheld pending additional information and further review by Planning Board. If those issues are resolved to proceed to site visit and cluster plan development, the ARB would like to be involved from the beginning in order to aid applicant in siting and orientation, road and landscape design from the beginning rather than at the end of the planning process.

Comment #1: Board to discuss SEQR.

Mr. Fink: The applicant has provided a Long EAF. This is a Type 1 Action. There are other involved agencies. The only thing the Planning Board could do tonight is declare intent to be Lead Agency.

Mr. Kowal makes a motion for the Intent to be Lead Agency.

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

617.6

**State Environmental Quality Review (SEQR)
Resolution Establishing Intent to be Lead Agency**

Type 1 Action

Name of Action: Siegel Subdivision

Whereas, the Town of Warwick Planning Board is in receipt of a Subdivision application by Mike Siegel for a ± 6/12/07 acre parcel of land located at Prices Switch Road, Town of Warwick, Orange County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated 6/12/07 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 1 action ; and

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

Whereas, after examining the EAF, the Planning Board has determined that there are other involved and/or federal agencies on this matter including the Orange County Health Department and the New York State Department of Environmental Conservation.

Now Therefore Be It Resolved, that the Planning Board hereby declares its intent to be Lead Agency for the review of this action; and

Be It Further Resolved, that the Planning Board hereby authorizes its Chairman to circulate the attached lead agency coordination request letter(s) to all other involved agencies and to discharge any other SEQR responsibilities as are required by 6 NYCRR 617 in this regard; and

Be It Further Resolved, that unless an objection to the Planning Board assuming lead agency status is received within thirty (30) days of the date of mailing the EAF, the Planning Board will become lead agency for the review of this action.

Comment #2: Applicant to discuss project.

Kirk Rother: This is a new application before the Board for a proposed 37-Lot cluster subdivision situated on approximately 194 acres of land. The property lies on the eastern side of Prices Switch Road. It lies in both the RU and CO zoning districts. It is currently woodlands and some agricultural lands. There is a pretty significant DEC wetland. The westerly portion of the property fronts on Pochuck Creek. It is covered by the 100-year flood plain. In laying out the cluster subdivision plan, we did try to take into account as many of the primary and secondary conservation areas as possible. It is just steep slopes, rock out crops, stone walls. We are presenting this to the Board as a sketch plan tonight.

YIELD PLAN:

Comment #3: The USDA soil boundaries are virtually indistinct on the plan and septic locations within each could not be verified. However, it appears that several septic absorption fields may be located in RMC soils, a Group VIII soil type. Septic systems shall not be installed in these soils except where they can be proven to the Board and the

Town Engineer that they will function satisfactorily (§137 Appendix A). Several absorption fields seem to be located in FAC soils. OCHD has cautioned the Town against permitting absorption fields in locations where the limestone bedrock underlying this soil type is five feet or less below the existing ground. For these reasons, the Town Engineer strongly urges percs and deeps to be performed at the locations of all Yield Lot septic systems in RMC and FAC soil types.

Kirk Rother: Right. I believe what Zen is talking about, we will in time do preliminary soil tests.

Mr. Astorino: You will do perc and deeps and everything on this.

Kirk Rother: Yes.

Comment #4: The existing dwelling on Yield Lot #37 is located within the front setback, requiring a variance. No waivers are allowed on Yield Plans.

Kirk Rother: Right. We have done this on several applications. One project that comes to mind is the Brock subdivision. I did show on a yield plan the road running right over the top of the house and the dwelling to be removed. On the cluster plan, the dwelling remained.

Zen Wojcik: You don't show that on the yield plan.

Kirk Rother: I will add on the yield plan, dwelling to be removed. Ok.

Comment #5: The proposed dwelling on Yield Lot #15 is shown in the 100-year floodplain. If this were an actual building lot it would require a development permit from the Building Department (§89-11). A condition of the permit is for the applicant to describe the extent to which the watercourse would be altered or relocated as a result of the proposed development. Provide an engineering report showing that there will be no impact on adjacent properties or other proposed lots in this application due to filling of the floodplain for the dwelling on Yield Lot #15.

Kirk Rother: Ok. We will remove the house or provide a report.

Comment #6: The proposed dwelling on Yield Lot #31 is sited on slopes exceeding 15%. Although the soils in this vicinity appear to be mapped as RMC, the presence of 15% or greater slopes indicates that they should be categorized as RMD soils, a Group XII soil type where buildings shall not be constructed. Relocate the dwelling.

Kirk Rother: Will do.

Comment #7: The well on Yield Lot #31 is located less than 100 feet upgrade from the proposed septic absorption field. Revise.

Kirk Rother: We will correct.

Comment #8: Show the limits of the Aquifer Protection Overlay District.

Kirk Rother: Ok.

Comment #9: Complete the Bulk Table for the RU zone and eliminate overlapping text.

Kirk Rother: Ok.

Comment #10: The Legend is incomplete; some linetypes are not included or are indistinct on the plan and should be changed. All symbols and linetypes shall be shown in the Legend.

Kirk Rother: Will do.

Comment #11: Label the state border on the plan.

Kirk Rother: Yes.

Comment #12: Cite the source and date of wetland delineation.

Kirk Rother: Ok.

Mr. Astorino: Regarding the cluster plan comments, Ted, do we have a site context?

Mr. Fink: Yes.

Mr. Astorino: Is that up to speed?

Mr. Fink: I have a checklist that I was going to fill out. I don't have it completed yet. There are some things that are missing from it. I will provide a checklist.

Mr. Astorino: Maybe before we get into these cluster comments, we should have that up to speed and do a site visit.

Mr. Bollenbach: Ted, before we do a site visit, we should have the site context and the 4-step all up to speed.

Mr. Astorino: That is what I mean. I think we are jumping the gun on the cluster.

Mr. Bollenbach: Are there any particular comments that you want to discuss?

Kirk Rother: No. We did submit the site context plan, the existing resources plan, and the 4-step design plan. If Ted has comments on them, I will address them. I haven't received any comments to date.

Mr. Fink: I haven't completed the comments yet. The Board's next work session is Friday. I could have it done by then.

Mr. Astorino: Ok. Maybe at the work session, if everything is up to speed, we could then set a site visit date. We will list comments 13 through 23 for the Record. Zen, is there anything that sticks out?

Zen Wojcik: No. It is a preliminary plan.

CLUSTER PLAN:

Comment #13: Provide an Overall Map showing the entire parcel with appropriate match lines.

Comment #14: The Legend is incomplete. Some linetypes are not included or are indistinct on the plan and should be changed. Do the various colors have any significance? All symbols and linetypes shall be shown in the Legend.

Comment #15: The westerly portion of the parcel is within the Town's Aquifer Protection Overlay District and may be over a NYS designated principal aquifer. Applicant to verify. The easterly portion of the parcel (near the proposed development area) is adjacent to a parcel recently subdivided where insufficient water was available in drilled wells. The entire parcel is underlain by a geologic formation where water is relatively scarce. In addition, naturally occurring high levels of radon and gross alpha radioactivity in groundwater are associated with this geologic formation. The applicant shall provide a report to justify individual wells, provide results of well testing, and discuss the potential for community water supply.

Comment #16: The Full EAF reports that the development may result in a potential large impact on a protected water body, potentially large impacts on groundwater quantity or quality, and substantial erosion. The applicant shall provide a report detailing these effects and the measures proposed as mitigation.

Comment #17: The parcel lies within the Pochuck Creek Biodiversity Area, as defined in the Metropolitan Conservation Alliance's *Southern Walkkill Biodiversity Plan*. However, the applicant has not yet verified the presence or absence of threatened or endangered species. The applicant shall provide a report including a summary of threatened and endangered species verification, the potential positive and detrimental effects of the proposed development on these and other species within the biodiversity area, and proposed mitigation measures for adverse effects.

Comment #18: The parcel lies within an agricultural district and is currently used for agriculture. The applicant shall provide information regarding the potential effect on agricultural use of the parcel caused by the proposed development.

Comment #19: Significant archaeological findings have been made within a mile of the parcel. Provide a report of the findings of an archaeological survey of the site.

Comment #20: The application proposes 40 new houses with access to an existing town road. Prices Switch Road is a narrow, winding road with substandard vertical and horizontal geometry for large volumes of vehicular traffic. Provide a study of probable traffic generation during daily peak hours and weekend traffic generation. Study the capacity and structural ability of the existing town road network to manage the potential increase in traffic considering this and other potential developments in the study area. Identify intersections of concern and make recommendations for mitigation.

Comment #21: The limitations on soils noted in the Yield Comments are also evident for a proposed Cluster Subdivision. Provide justification for situating a number of individual septic systems in marginal soils.

Comment #22: The limits of NYSDEC jurisdictional wetlands shown on the plans exceed the mapped limits of DEC Wetland PI-18. As noted in the Yield Comments, cite the source and date of wetland delineation. Provide correspondence from NYSDEC accepting jurisdiction for these additional wetland areas.

Comment #23: For the proposed 40 lot subdivision, applicant to provide information on the ability of the social infrastructure, including schools, recreation facilities and retail stores, to absorb the impact of this increase in population.

Mary Tivolacci

Application for site plan approval for the construction and use of a new single-family residence, situated on tax parcel S 41 B 1 L 11; project located in the Points of View side of approximately 1200 feet south of Waterbury Road, in the RU zone, of the Town of Warwick.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Mrs. Tivolacci, the applicant.

The following review comments submitted by Tectonic:

1. Board to discuss SEQQR.
2. Applicant to discuss project.
3. Show the location of the 60 inch-diameter outlet pipe for the pond. Provide a sketch showing how the outlet from the pond drains through the Points-of-View development.
4. Applicant shall request permission to obtain additional topographic information on adjacent properties (SBL 41-1-7, 9, & 16) to verify the modeled limits of the design storm.
5. Provide a copy of the private road and drainage facility use and maintenance agreement for the Planning Board Attorney's review.
6. Provide a copy of the boundary and topographic survey for the Town Engineer's review.
7. The proposed fill material being imported to the site is estimated to be approximately 0.24 acres. Applicant to refer to and comply with section §150-4 A. What is the source of this material?

DRAINAGE REPORT COMMENTS:

8. Applicant to discuss the use of a weir coefficient used in the analysis; 3.33 seems too high a number.
9. Applicant to discuss the weir type assumed. Applicant to explain in the report why the use of this type of weir.
10. Please include in the report the hydrograph discharge table output for existing and proposed condition analysis.
11. The pond report shows a crest elevation of 75.8 feet while Figure C shows a weir elevation of 75.6 feet. Clarify.
12. Under the description of "Assumption 1", the existing outlet pipe is assumed to be blocked during a storm event. How is this assumption reflected in the Hydraflow analysis? The Weir Structures section (in the pond report of Hydraflow) is being modeled as a multi-stage option. If the existing outlet pipe is assumed to be blocked, shouldn't the "No Multi-Stage" option be selected? Applicant to discuss.

The following comment submitted by the Conservation Board, dated 10/3/07:

Mary Tivolacci - The CB notes the concerns of Mr. and Mrs. DiBona which suggest strongly that this property is not suited to septic and may pose a health risk. In addition, development of this property will only make the flooding conditions even worse.

The following comment submitted by the ARB, dated 10/1/07:

Mary Tavalacci - Comments withheld pending additional information from applicant and further review by Planning Board.

Comment #1: Board to discuss SEQR.

Mr. Fink: The applicant has submitted a short EAF with a drainage study. It is an Unlisted Action. There are no other agencies involved. The Planning Board could go ahead and declare Lead Agency.

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: Tavalacci Single Family Residence

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan application by Mary Tavalacci for a \pm 1.5 acre parcel of land located at 16 Points of View, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 8/27/07 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.

Dave Getz: The Tavolacci property is about 1-1/2 acres in size. It is a vacant lot in the Points of View neighborhood. I am sure that you are all familiar with that and the private roads. There is a large pond which is partly on this property and the neighboring property. Runoff from the proposed development area enters that pond. We know that is a real concern. We developed a plan that does not create or increase any flood problems. There are wetlands located on the site. They have been delineated by ERS Consultants. They are Federal wetlands. There are no State wetlands on the property. Based upon a recommendation by ERS, we are proposing a stonewall to be built between the house and driveway and any wetlands as a hard barrier to prevent any wetland disturbance. No disturbance of wetlands is proposed. A new driveway, well, septic system, and a single family house are proposed.

Mr. Fink: On the wetland issue, Karen Schneller-McDonald has the plan that shows the outline of the wetlands. She will do a field verification.

Mr. Astorino: I think that is warranted.

Comment #3: Show the location of the 60 inch-diameter outlet pipe for the pond. Provide a sketch showing how the outlet from the pond drains through the Points-of-View development.

Dave Getz: Ok. I talked to Zen today about the drainage. The 60" pipe that we had in our drainage report is a theoretical pipe that has to do with the storm water program. It was a way to model a large outlet so that there was no back water affect on our calculations. We will provide a map that shows how the drainage from this site exits and how it affects other properties.

Mr. Astorino: So, what you are saying is that you don't need a 60" diameter pipe or you don't know what you need right now.

Dave Getz: We are not proposing to change anything. There is a pipe there, but it is not actually 60". We will clarify all of that. There is a better way to model it.

Zen Wojcik: The model that Mr. Getz is working on is to model the extent of the flood. The assumption is that the pipe is blocked. He had a notation there that there was a 5-foot diameter pipe. It is confusing everybody. What he is doing is removing this theoretical pipe which does not exist.

Dave Getz: We will clarify that.

Comment #4: Applicant shall request permission to obtain additional topographic information on adjacent properties (SBL 41-1-7, 9, & 16) to verify the modeled limits of the design storm.

Dave Getz: Will do.

Comment #5: Provide a copy of the private road and drainage facility use and maintenance agreement for the Planning Board Attorney's review.

Mr. Bollenbach: I reviewed the Bi-Laws for Points of view Homeowners Association, Inc. There are a few items that I need. I need the Certificate of Incorporation.

Dave Getz: Does that refer just to this property or to the overall neighborhood?

Mr. Bollenbach: It is for the Points of Views HOA which this is a portion of subject to, or the roads are a portion of. Need a certificate of good standing stating that it is in existence. Need a list of officers, directors and members. That should be certified, along with a current copy of the Bi-Laws, by the secretary of the Corporation with the Corporate Seal attached.

Dave Getz: Could we have Mrs. Tavalacci's attorney contact you on that?

Mr. Bollenbach: You could contact them and provide the information. I would be glad to talk to whoever it is. Who is your attorney?

Mrs. Tavalacci: It is John Ziobro.

Comment #6: Provide a copy of the boundary and topographic survey for the Town Engineer's review.

Dave Getz: Will do.

Comment #7: The proposed fill material being imported to the site is estimated to be approximately 0.24 acres. Applicant to refer to and comply with section §150-4 A. What is the source of this material?

Dave Getz: Some of the material came from on the property. We are excavating some areas. Other materials would come from off-site.

Mr. Astorino: What is the depth of the fill that you propose?

Dave Getz: The finish floor of the house is 4 feet above existing grade.

Mr. Astorino: You are talking about 4 feet of fill.

Dave Getz: No. The floor elevation might be 18" higher than the ground outside. It would be between 2 and 3 feet in that area.

Mr. Bollenbach: While on the topic of filling, we did receive a letter from Gary DeGennaro, dated 10/3/07 relating to prior fill that was placed on site.

Mr. Astorino: We have another letter that was submitted to the Planning Board. The letter is from Craig and Bobbi Jo DiBona, dated 10/2/07. That letter is also in our packets.

Dave Getz: Regarding the drainage comments, 8 through 12. We have revised our report and had spoken to Zen about it. We will address each of those comments.

Mr. Astorino: I don't know how the Board feels, but I would like to do a site visit on this project. There were some photos submitted by the applicant and by some of the neighbors from Points of View. I think they could be helpful.

Mrs. Tivolacci: Could I see the photos.

Mr. Astorino: They will be in the file. You could go to the Planning office to see them.

Mr. Bollenbach: Dave, we have received many photos. They are not dated. Perhaps we could have some type of a cover sheet or a map or a tax map to show us a photo location. Where was picture one taken? Which direction? What is it of? We need some type of a narrative.

Dave Getz: The photos in our drainage report had a photo location plan. These are different photos.

Mrs. Tivolacci: The first (5) photos here are from the report. They are listed on the map.

Mr. Bollenbach: Whatever photos they are, get them coordinated and clarified. This way we would know which photos are which. You could take these photos with you and reproduce them so that they are insinc.

Dave Getz: Ok. I think part of the problem is that we only submitted (3) copies of the drainage report that has photos and arrows shown where they were taken.

Mr. Bollenbach: Are these the photos?

Dave Getz: Yes.

Mr. Astorino: So, every photo that you submitted is in the drainage report?

Mrs. Tivolacci: No. Not those. Just the first (5) photos are.

Mr. Astorino: That is what we are getting at. The rest of them, we need to know where they were taken from and the affects. We need to know what is going on.

Mrs. Tivolacci: Ok.

Mr. Astorino: Does the Board feel like setting a site visit now or at the work session? We will discuss it at the 10/5/07 Work Session. We will list the drainage comments, comment 8 through 12 for the record. We have comments from the CB, dated 10/3/07. We have comments from the ARB, dated 10/1/07.

Mr. Bollenbach: Did we receive any comments from the County Planning yet?

Mr. Astorino: I don't think so.

Zen Wojcik: This has not gone out to County Planning yet.

Connie Sardo: It did go out to County Planning.

Zen Wojcik: You are right. I am sorry.

Mr. Astorino: We haven't received anything back from them yet.

Connie Sardo: No.

Mr. Astorino: We will set a date for the site visit at the 10/5/07 work session.

Dave Getz: Ok. Thank you.

DRAINAGE REPORT COMMENTS:

Comment #8: Applicant to discuss the use of a weir coefficient used in the analysis; 3.33 seems too high a number.

Comment #9: Applicant to discuss the weir type assumed. Applicant to explain in the report why the use of this type of weir.

Comment #10: Please include in the report the hydrograph discharge table output for existing and proposed condition analysis.

Comment #11: The pond report shows a crest elevation of 75.8 feet while Figure C shows a weir elevation of 75.6 feet. Clarify.

Comment #12: Under the description of "Assumption 1", the existing outlet pipe is assumed to be blocked during a storm event. How is this assumption reflected in the Hydraflow analysis? The Weir Structures section (in the pond report of Hydraflow) is being modeled as a multi-stage option. If the existing outlet pipe is assumed to be blocked, shouldn't the "No Multi-Stage" option be selected? Applicant to discuss.

Joseph Feely

Application for sketch plat review of a proposed 5-Lot Conservation Density (Major) subdivision, entitled, “**Sunset Ridge Estates**”, situated on tax parcel S 47 B 1 L 63.22; parcel located on the easterly side of Bellvale Lakes Road 7,920 feet south of Gibson Hill Road, in the MT zone, of the Town of Warwick. Previously discussed at the 8/2/06 and 11/15/06 Planning Board meetings.

Representing the applicant: Mike Morgante, Engineer.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
 - a. Provide a Visual EAF Addendum and line-of-sight assessment.
2. Applicant to discuss project.
3. A Conservation Density Subdivision requires that the average lot size shall be twice the minimum lot size for the zone; MT zone = 10 acres. Show a calculation on the plan.
4. Applicant proposes a 2400 foot long cul-de-sac where the maximum length should be 1800 feet. Applicant to discuss.
5. The limits of SCS soil types are not mapped on the development plans. Site soils include SXC, ROF and ROD. Septic systems are not permitted in ROD and ROF soils, but can be sited in SXC soils. Show the limits of soil types on the plan showing proposed locations of absorption systems. Provide a septic system design for each location and note that the percs & deeps were witnessed by the Town Engineer’s representative 7/28/06.
6. Provide details for proposed stormwater management facilities (outlet structures, emergency spillways conveyance channels, etc.)

SWPPP REPORT REVIEW:

7. Provide a narrative for the proposed SWPPP Report. Description shall include: Project Background (Site location, Existing site conditions, Soils and surface cover, proposed site conditions); Stormwater Management (Existing Hydrology, Proposed Hydrology, Water Quality Control, Channel Protection, Water Quantity Control, Conclusions); Drainage Analysis, Soil Erosion and Sediment Control and Ownership and Maintenance of Permanent Structures.
8. The mapped soils linetype is difficult to distinguish between the other linetypes shown on the drainage area plans.
9. Show the time of concentrations on drainage maps for pre and post conditions.
10. Post Watershed 1A and Post Watershed 1B shall be flow combined having just one design point and compare to pre-development flow.
11. Design point (DPWS #3) seems to discharge to an open space downstream. Identify if any receivable body of water exists at this point. The schematic from the Hydrocad computer model shows that Post Watershed 3A is contributing to reach DPWS3. The Post-Development drainage area plan shows different design point for this watershed area. Please revise
12. How is Post Watershed Area 3A being treated for quality?
13. The schematic from the Hydrocad computer model shows that Post Watershed 2F is contributing to reach 3R (DSWS #2), it seems that this area does not contribute to this design point. Please revise.

14. How is Post Watershed Area 2B and 2E being treated for water quality?
15. Note that Post-development flow must be equal to or less than Pre-development flow at all design points being analyzed.
16. Revise for consistency on total area number for Post Watershed 3A shown in the Hydrocad and the one shown in the Post-Development Plan.
17. Complete an NOI form and attach to the report.

The following comment submitted by the Conservation Board, dated 10/3/07:

Sunset Ridge Estates - The CB has concerns regarding the ability of this subdivision to locate soils suitable for septic systems. Due to the steep terrain, development will increase runoff and great care must be taken to protect Bellvale Lakes Road and the downhill properties, especially in winter when freezing conditions can render even the best SWPPP useless.

The following comment submitted by the ARB, dated 10/1/07:

Sunset Ridge Estates - - Driveways seems to be too straight, and location of any house on the uppermost lot in the subdivision leaves some question as to its impact on the Ridgeline Overlay Zone. ARB would like to work with this applicant early in the process to be of assistance in siting, orientation, and minimizing impact in this sensitive area.

Comment #1: Board to discuss SEQR.

Mr. Fink: The Planning Board has already declared itself Lead Agency on the application. There are some SEQR questions in the review comments tonight.

A. Provide a Visual EAF Addendum and line-of-sight assessment.

Mike Morgante: No problem.

Comment #2: Applicant to discuss project.

Mike Morgante: It has been awhile since we have been before the Board. We have done the topography and the boundary for the site. That was done in the winter time which was very difficult. By the time we got that information back, it has been approximately 1 year later. The only thing that has changed since the original proposal, once we received the hard data back, we mapped in the field where we had done all percolation and deep test pits information, it became evident that one of the lots would be difficult to get a septic system in because of the proximity to the natural swale in the back of the property that runs along lots 1, 2, 3, and 4. We have omitted one lot. We had (5) residential lots and (1) conservation lot. Now, we have (4) residential lots and (1) conservation lot. Once I got the location of the slope and identified the area that we are proposing for conservation, if you look on either sheet 1 or 2 of the plans, you will see a proposed conservation area boundary line that runs through at least half of most of the lots. We are proposing at least 52 acres out of 63 acres as conservation area on the property. Each lot would be served by individual septic systems and wells. There is a 2400-foot long private drive. At the last workshop meeting, it was discussed that 1800-feet was the maximum that was permitted in the code. If you look at sheet 3 of 4 where 1800 – liner feet of falls is pretty close to the end of the northern boundary of lot #2. If I placed the end of the road there, you would have very extensively long driveways for

lots 3 and 4. It seems that the 2400-foot long drive provides better access to the remaining lots on the site and also facilitates the setup for storm water management facilities.

Mr. Bollenbach: What we have done in the past, if you are looking for a waiver, you would need to do it so that it conforms to the 1800 feet.

Mike Morgante: Yes.

Mr. Bollenbach: Show us what the cuts and fills would be. due to the topography and the layout of the property, at perhaps there is a more suited location than the 1800-foot but maybe not the 2400 feet. Show justification. Prepare it with the 1800 feet. We will go from there.

Mike Morgante: Yes. Definitely.

Comment #3: A Conservation Density Subdivision requires that the average lot size shall be twice the minimum lot size for the zone; MT zone = 10 acres. Show a calculation on the plan.

Mike Morgante: No problem.

Comment #4: Applicant proposes a 2400 foot long cul-de-sac where the maximum length should be 1800 feet. Applicant to discuss.

Mike Morgante: Ok.

Comment #5: The limits of SCS soil types are not mapped on the development plans. Site soils include SXC, ROF and ROD. Septic systems are not permitted in ROD and ROF soils, but can be sited in SXC soils. Show the limits of soil types on the plan showing proposed locations of absorption systems. Provide a septic system design for each location and note that the percs & deeps were witnessed by the Town Engineer's representative 7/28/06.

Mike Morgante: No problem.

Comment #6: Provide details for proposed stormwater management facilities (outlet structures, emergency spillways conveyance channels, etc.).

Mike Morgante: We discussed this at the work session. I have no problems in providing detail plans. I want to try to get through the storm water model first with Zen. Then, at that point we will continue.

Mr. Astorino: Zen, these comments regarding the SWPPP, is there anything that stands out?

Zen Wojcik: No. They are technical comments.

Mike Morgante: I need to work out the technical comments with Zen.

Mr. Astorino: Ok. We will list the SWPPP comments 7 through 17 for the record.

SWPPP REPORT REVIEW:

Comment #7: Provide a narrative for the proposed SWPPP Report. Description shall include: Project Background (Site location, Existing site conditions, Soils and surface cover, proposed site conditions); Stormwater Management (Existing Hydrology, Proposed Hydrology, Water Quality Control, Channel Protection, Water Quantity Control, Conclusions); Drainage Analysis, Soil Erosion and Sediment Control and Ownership and Maintenance of Permanent Structures.

Comment #8: The mapped soils linetype is difficult to distinguish between the other linetypes shown on the drainage area plans.

Comment #9: Show the time of concentrations on drainage maps for pre and post conditions.

Comment #10: Post Watershed 1A and Post Watershed 1B shall be flow combined having just one design point and compare to pre-development flow.

Comment #11: Design point (DPWS #3) seems to discharge to an open space downstream. Identify if any receivable body of water exists at this point. The schematic from the Hydrocad computer model shows that Post Watershed 3A is contributing to reach DPWS3. The Post-Development drainage area plan shows different design point for this watershed area. Please revise

Comment #12: How is Post Watershed Area 3A being treated for quality?

Comment #13: The schematic from the Hydrocad computer model shows that Post Watershed 2F is contributing to reach 3R (DSWS #2), it seems that this area does not contribute to this design point. Please revise.

Comment #14: How is Post Watershed Area 2B and 2E being treated for water quality?

Comment #15: Note that Post-development flow must be equal to or less than Pre-development flow at all design points being analyzed.

Comment #16: Revise for consistency on total area number for Post Watershed 3A shown in the Hydrocad and the one shown in the Post-Development Plan.

Comment #17: Complete an NOI form and attach to the report.

Mr. Bollenbach: I want to go back to comment #5. Zen, is that because of the topo, the slopes?

Zen Wojcik: Yes.

Mr. Bollenbach: If they do site specific topo, it would be either 1-foot or 2-foot contours to show what exists.

Zen Wojcik: We had done a site visit. It is pretty much an up and down site.

Mike Morgante: The line type was placed on the pre and post development storm water plans. They are not mapped on the development plans. The line type needs to be adjusted. They are not very visible. The area where we are proposing all of the septic systems is in the SXC soils. Once I clarify the plans, we should be ok.

Mr. Bollenbach: Ok.

Mr. Astorino: We have a comment from the CB, dated 10/3/07 and a comment from the ARB, dated 10/1/07.

Mr. Bollenbach: Ted, I have a question regarding the Visual EAF and the line-of-sight profile. Have we received that yet?

Mr. Fink: No. We have not received that yet.

Mr. Bollenbach: Ok.

Mike Morgante: We will provide that.

Mr. Astorino: You will be back.

Mike Morgante: We will be back. Thank you.

HOMARC Land, LLC.

Application for site plan approval and special use permit for the construction and use of a commercial site plan of a 20,300 square foot office/retail building, situated on tax parcel S 51 B 1 L 5.231; project located on the northern side of NYS Route 94 425± feet east of Warwick Turnpike, in the DS zone, of the Town of Warwick.

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

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
 - a. Full EAF.
 - b. A 100-foot wide buffer is shown along the wetland delineation.
2. Applicant to discuss project.
3. The applicant proposes a commercial development on a currently vacant lot and has submitted a plan for a “conceptual” review. It is understood that the submitted plan is not a complete submittal of information, as required by the Code. These comments are to provide guidance on several issues considered by the Board, but are also, by necessity, an incomplete review of this project.
4. OCWA mapping is cited as the source of topography; however only one contour elevation (540) is shown on the plan. Show existing and proposed contours. If this is the only contour available from OCWA, provide topography from a field survey of the site.
5. Federal jurisdictional wetlands are shown on the parcel, but the name and date of delineation is not cited. Provide this information on the plan and provide a letter report from the delineator supporting the location of the wetlands boundary.
6. Per §164-42F, the parcel being in the DS zone and a non-residential use being proposed, a marginal access road is desired by the Town in this location. The applicant has provided a copy of a March 21, 1991 variance granted by the ZBA from constructing a marginal access road – applicant and Board to discuss.
7. Calculate the amount of traffic to be generated by the proposed development and provide a report discussing the capacity of the existing road system to handle it. Propose mitigation measures, if required.
8. The proposed well can be classified as either NTNC or NCWS under the NYS Sanitary Code. Location and construction of the well must comply with OCHD Public Water Supply Wellhead Protection Guidelines. Show the 200-foot radius wellhead protection area on the plan. Provide a letter report detailing how the well will be in compliance, including a discussion of the possible impact on a future marginal access road.
9. Show the location of the well on the property west of the parcel and its 200-foot radius wellhead protection area. In the aforementioned report, include potential impacts on that water supply from the proposed construction.
10. Applicant has provided a brief note (dated August 23, 2007) from Burton Laux, Soil Scientist, referring to “adjustment needed both to soil boundaries and location”. It is not clear that this is the site Mr. Laux is referencing. Clarify. A sketch of soil boundaries is included and the soils in the vicinity of the proposed absorption field are categorized as CgA soils, a Group IV soil type suitable for septic systems. Is this an “adjusted” boundary? If so, provide a rationale for the adjustment. Mr. Laux also states in his note that “the area across the road may now be wetter than before the road was installed”. If Mr. Laux is referring to this site, is he referring to the area adjacent to Rt. 94, the only

road on the site? If so, how does this affect the choice of location for a septic absorption field?

11. Provide a landscaping plan showing consistency with the Town's Design Guidelines.
12. Show the location of a Fire Lane in the parking lot and include with the notice to the Warwick Fire District for their review and comment.
13. Provide architectural drawings as noted in the Site Plan Checklist for the Board's information and review.
14. Future plans should include information and calculations for site drainage and stormwater management (SWPPP), lighting conforming with §164-43.4, and signage consistent with §164-43.1. Perform percs & deeps on the site, witnessed by the Town Engineer, and provide a design for an appropriate sewage disposal system. Provide details for the parking lot pavement, erosion control measures, and a sequence of construction for developing the site.

The following comment submitted by the Conservation Board, dated 10/3/07:

HOMARC Land, LLC. - CB recommends same conditions as ordered for the Fairgrounds due to that fact that this parcel is adjacent and has all of the same characteristics.

The following comment submitted by the ARB, dated 10/1/07:

HOMARC Land, LLC. - The Architectural Review Board would like to begin working with the applicant as soon as possible on the design of this 20,000 sq. ft. mixed use space. We would ideally like to see a continuity of design between the Fairgrounds and the Homarc projects, as well as greater unification of the parking with the Bowling Alley. We request a meeting with the applicant and the architect as soon as possible and would like to work proactively with them throughout the process.

Comment #1: Board to discuss SEQR.

Mr. Fink: The applicant has provided a Long EAF. It does appear to be an Unlisted Action. When you have the Unlisted Action, unlike the Type 1, you have the option to do a coordinated review. In this case, because there are a number of other agencies involved as well as the location of the site, it is in a sensitive area given the wetlands that we know, the Fish and Wildlife Services had some interest in this, I think it would be prudent to do a coordinated review to declare your intent to be Lead Agency. We will send letters to the other involved agencies to see whether or not they have any comments. I can't imagine any that of the agencies including the DOT, or the DEC would want to compete with the Planning Board for Lead Agency. I think it is a way early on to register with those agencies that an application has been filed and to see whether or not they have any concerns that need to be taken a look at.

Mr. Kowal makes a motion for Intent to be Lead Agency.

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

Resolution Establishing Intent to be Lead Agency

Unlisted Action Undergoing Coordinated Review

Name of Action: Homarc Land

Whereas, the Town of Warwick Planning Board is in receipt of a Site Plan/Special Use Permit application by Homarc Land, LLC for a \pm 5.1 acre parcel of land located at Route 94, Town of Warwick, Orange County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated 9/10/07 was submitted at the time of application; and

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

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

Whereas, after examining the EAF, the Planning Board has determined that there are other involved and/or federal agencies on this matter including the Orange County Health Department, NY State Departments of Transportation, Health and Environmental Conservation.

Now Therefore Be It Resolved, that the Planning Board hereby declares its intent to be Lead Agency for the review of this action; and

Be It Further Resolved, that the Planning Board hereby authorizes its Chairman to circulate the attached lead agency coordination request letter(s) to all other involved agencies and to discharge any other SEQR responsibilities as are required by 6 NYCRR 617 in this regard; and

Be It Further Resolved, that unless an objection to the Planning Board assuming lead agency status is received within thirty (30) days of the date of mailing the EAF, the Planning Board will become lead agency for the review of this action.

A) Full EAF.

B) A 100-foot wide buffer is shown along the wetland delineation.

Mr. Astorino: Ted, do you have any comments on the full EAF and the 100-foot wide buffer?

Mr. Fink: Yes. I have provided Karen with a map on this. There were a number of different issues on this. As far as Federal wetlands are concerned, we don't have any flag numbers or anything like that shown on the map. We do have the flag locations. When this gets verified in the field, it would be helpful if you did have those identified on the map.

Dave Getz: Ok.

Mr. Fink: There is a 100-foot buffer that has been shown. This is not actually a regulatory buffer. Regard to the wetlands that are a probable habitat for the bog turtle, there is a 300-foot area within which it is not a buffer, but it is an area where all the various activities that are proposed in conjunction with this project whether it is parking, buildings, storm water, septic, etc...that those are all examined carefully against the bog turtle recovery plan that has been developed by the U.S. Fish & Wildlife Service. We had gone through this with the Fairgrounds project, which does have many of the same characteristics in terms of the wetlands. The most important thing is to review the various activities against the criteria that the Fish & Wildlife Service had developed for bog turtle habitats. One of the things which they do for any known habitats is that they have a protocol for how you would go out and identify whether or not there are bog turtles in the wetlands or whether or not there is suitable habitat for bog turtles. There is some work that needs to be done relating to bog turtles and Fish & Wildlife Services. When these plans are sent to the Fish & Wildlife Services that will start the conversation on whether or not they believe a full scale investigation would be needed for bog turtle habitat.

Dave Getz: The Environmentalist for the project is ERS Consultants. They studied those wetlands for the Fairgrounds project.

Mr. Astorino: He should have all the data.

Dave Getz: Yes. He has alerted these owners that there is a lot of work that needs to be done like Ted had just said.

Comment #2: Applicant to discuss project.

Dave Getz: It is a proposed 1-story office/retail building. The exact use is yet to be determined. Those are type of uses that the owners would like to get approval for. There is access from Route 94. It is located near the Bowling Alley. It is between the Bowling Alley and Fairgrounds site. It is an open meadow. It has been disturbed in the past. We are showing a building about 20,000 square feet in size.

Mr. Bollenbach: You said access from Route 94. That is to be determined. There might be a marginal access.

Dave Getz: Ok.

Comment #3: The applicant proposes a commercial development on a currently vacant lot and has submitted a plan for a "conceptual" review. It is understood that the submitted plan is not a complete submittal of information, as required by the Code. These comments are to provide guidance on several issues considered by the Board, but are also, by necessity, an incomplete review of this project.

Dave Getz: We understand that. We wanted to get first past your comments including marginal access.

Comment #4: OCWA mapping is cited as the source of topography; however only one contour elevation (540) is shown on the plan. Show existing and proposed contours. If this is the only contour available from OCWA, provide topography from a field survey of the site.

Dave Getz: The owners are having a survey done.

Comment #5: Federal jurisdictional wetlands are shown on the parcel, but the name and date of delineation is not cited. Provide this information on the plan and provide a letter report from the delineator supporting the location of the wetlands boundary.

Dave Getz: Note 11 mentions that it is ERS and it gives a date. We will provide that letter.

Mr. Astorino: Ok.

Comment #6: Per §164-42F, the parcel being in the DS zone and a non-residential use being proposed, a marginal access road is desired by the Town in this location. The applicant has provided a copy of a March 21, 1991 variance granted by the ZBA from constructing a marginal access road – applicant and Board to discuss.

Mr. Astorino: I think the Board wants it.

Dave Getz: Ok.

Mr. Astorino: John, I don't think the ZBA variance holds.

Mr. Bollenbach: That is no longer applicable.

Mr. Astorino: You will need to provide it.

Dave Getz: Ok.

Comment #7: Calculate the amount of traffic to be generated by the proposed development and provide a report discussing the capacity of the existing road system to handle it. Propose mitigation measures, if required.

Dave Getz: The owners have hired John Collins Engineering to do the traffic study. He has done studies for projects that are right nearby.

Comment #8: The proposed well can be classified as either NTNC or NCWS under the NYS Sanitary Code. Location and construction of the well must comply with OCHD Public Water Supply Wellhead Protection Guidelines. Show the 200-foot radius wellhead protection area on the plan. Provide a letter report detailing how the well will be in compliance, including a discussion of the possible impact on a future marginal access road.

Dave Getz: Will do.

Comment #9: Show the location of the well on the property west of the parcel and its 200-foot radius wellhead protection area. In the aforementioned report, include potential impacts on that water supply from the proposed construction.

Dave Getz: That is the Bowling Alley property. We have been told that the well is on the western side. It shouldn't be an issue. We will confirm that.

Comment #10: Applicant has provided a brief note (dated August 23, 2007) from Burton Laux, Soil Scientist, referring to "adjustment needed both to soil boundaries and location". It is not clear that this is the site Mr. Laux is referencing. Clarify. A sketch of soil boundaries is included and the soils in the vicinity of the proposed absorption field are categorized as CgA soils, a Group IV soil type suitable for septic systems. Is this an "adjusted" boundary? If so, provide a rationale for the adjustment. Mr. Laux also states in his note that "the area across the road may now be wetter than before the road was installed". If Mr. Laux is referring to this site, is he referring to the area adjacent to Rt. 94, the only road on the site? If so, how does this affect the choice of location for a septic absorption field?

Dave Getz: We will clarify that.

Comment #11: Provide a landscaping plan showing consistency with the Town's Design Guidelines.

Dave Getz: Ok.

Comment #12: Show the location of a Fire Lane in the parking lot and include with the notice to the Warwick Fire District for their review and comment.

Dave Getz: Ok.

Comment #13: Provide architectural drawings as noted in the Site Plan Checklist for the Board's information and review.

Dave Getz: Ok. We are a long way off yet.

Mr. Astorino: That was also a comment from the ARB, dated 10/107.

Comment #14: Future plans should include information and calculations for site drainage and stormwater management (SWPPP), lighting conforming with §164-43.4, and signage consistent with §164-43.1. Perform percs & deeps on the site, witnessed by the Town Engineer, and provide a design for an appropriate sewage disposal system. Provide details for the parking lot pavement, erosion control measures, and a sequence of construction for developing the site.

Dave Getz: Ok.

Mr. Astorino: We have a comment from the CB, dated 10/3/07. We have discussed that.

Mr. McConnell: Is it a single-story building?

Dave Getz: Yes. Thank you.

Slater/Wolfe

Application for site plan approval for the construction and use of an addition and modifications to existing structures and utilities, located within "A Designated Protection Area" of Greenwood Lake, situated on tax parcel S 77 B 1 L 34.12; project located on the western side of Shore Avenue, in the SM zone, of the Town of Warwick.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Tom Hitchins, Architect.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. Applicant proposes demolition of three existing structures, construction of a new structure (garage), and significant "renovation and expansion" of the primary dwelling, mostly within the lake's Designated Protection Area. Provide photos of site (at least one from the lake) and architectural drawings including floor plans and plans for exterior elevations showing the structure's mass and architectural features for the Planning Board's information. Show and dimension proposed building height.
4. The limits of Shore Avenue right-of-way are shown on the Site Plan and on the Existing Conditions Survey. Applicant proposes construction of a new septic tank and septic pump tank within this right-of-way. Also, a portion of the renovated and expanded portion of the primary dwelling will continue to be in the ROW as well as the existing well. Applicant's submitted deed shows that the applicant does not own the ROW. Applicant to discuss why this construction should be allowed outside the applicant's property. Provide a copy of the private road use and maintenance agreement for the Planning Board Attorney's review.
5. The proposed septic tank and pump tank are to be constructed 5 feet from the renovated and expanded dwelling where 10 feet is required. Revise.
6. All symbols and linetypes shall be shown in the Legend.
7. Place the name and address of the applicant/owner on the Site Plan.
8. A "septic cleanout" is shown adjacent to the parcel (on lands N/F McDermott), located ± 14 feet from the proposed septic absorption field. The Survey shows this as a well. Show all wells within 200 feet of the proposed septic field (as checked off on the Site Plan checklist). Show offset distance between existing well and proposed septic absorption field.
9. Provide erosion control measures on plans consistent with the current "NYS Standards and Specifications for Erosion & Sediment Control" and include details.
10. The label for the proposed Aerobic Treatment Unit on the Site Plan notes that it is to be constructed "under new raised patio". No patio is shown on the plan. Provide correspondence from the manufacturer of the aerobic unit that covering the unit with a patio will not adversely effect its operation.
11. Applicant to discuss stormwater runoff onsite.
12. Show and dimension lot lines.
 - a. Per §164-41C(4)(i), "In the event that a yard abutting a lake is provided, it shall be at least five feet." Revise the Bulk Table on the plan and reference the appropriate section.

13. Applicant proposes to increase the non-conformity of the parcel by increasing the lot coverage. Applicant and Board to discuss referral to ZBA.
14. Provide sight distance triangles at driveway / road intersection (ref. NYSDOT Highway Design Manual §5.9.5). Dimension sight triangles. Indicate that actual sight distance equals or exceeds minimum sight distance. Include a note that the area of the triangles shall be kept free from visual obstructions.
15. Survey indicates a “wood retaining wall” along the easterly side of Shore Avenue. Label this feature on the Site Plan.
16. The parcel has two existing septic absorption fields. The Demolition & Removals Plan shows these fields “to be abandoned”. However, the areas of the field are proposed to be occupied by septic tanks and force mains. Applicant to discuss the manner in which these fields are to be abandoned.
17. The application is for a four-bedroom dwelling, which requires a 1250 gallon septic tank. Revise septic Construction Details and Site Plan.
18. Revise the section view of the sewage disposal system for Eljen units, as proposed.
19. The Notes for the Section view refer to a diversion swale. No diversion swale is shown on the Site Plan. Revise.
20. The calculation for the sewage disposal system concludes that 108 LF of Eljen In-drains are required. The Site Plan shows only 60 LF to be constructed. One line of the Eljen units is proposed to be constructed within an existing gravel drive, which is substantially different from the adjacent area where percolation tests were performed. Applicant to discuss.
21. The Schematic Plan for the proposed system notes that the force main between the aerobic unit and the distribution box shall have a “continuous slope back to the aerobic unit”. As designed, the aerobic unit is at a higher elevation than the distribution box. Applicant to discuss.
22. On the Aerobic Treatment Unit Details sheet, the “Advantex Parameters” note refers to a different application. Revise.
23. It is noted in the “Maximum Allowed Wastewater Strength” notes that the flow through the aerobic unit “shall be limited to a maximum of 130 gallons per day”. The septic system is designed for a four-bedroom dwelling, with a flow of 520 gallons per day. Applicant to discuss.
24. Applicant shall provide a test pit at the proposed location of the aerobic unit dug to the depth that the unit must be installed. Show the test pit information on the plan to prove the suitability of the Excavation and Backfill Detail for this location. Provide elevations for the bottom of the excavation, top of tank, and rim elevations for the various risers and lids.
25. Complete the “Pump Rating Conditions” information required on the plan.
26. Board to consider a waiver from performing septic dye tests since the existing sewage disposal systems will be removed as part of this project.
27. Applicant and Board to discuss existing condition of Shore Avenue and any existing maintenance and use agreement for this private road.

The following comment submitted by the Conservation Board, dated 10/3/07:

Slater/Wolfe - The CB is concerned that the level of demolition and new construction can adversely affect GWL and recommends that extra care be taken to avoid such impacts with a best practices erosion control plan. Also there seems to be some confusion as to the location of the septic, but the use of an aerobic unit is good and should be required for all such properties on or near GWL.

The following comment submitted by the ARB, dated 10/1/07:

Slater/Wolfe - Comments pending further information and review by Planning Board.

Comment #1: Board to discuss SEQR.

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

Mr. McConnell makes a motion for Lead Agency.

Seconded by Mr. Showalter. 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: Slater-Wolfe Residence Renovations & New Construction

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan application by Richard Slater & Wayne Wolfe for a \pm 0.369 acre parcel of land located at 93 Shore Ave, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 8/28/07 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 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.

Dave Getz: This proposed project has unusual property. It is about 4/10 of an acre. It is slightly less than that. It is located on both sides of a private road known as Shore Avenue. The existing main dwelling and the cottage next to it both have frontage onto Greenwood Lake. It is located near the dead end of Shore Avenue. Shore Avenue is a narrow private road in good condition. It seems to be well kept. The applicants would like to upgrade the property in several ways architecturally in which Tom will discuss. In terms of utilities, they have a couple of separate septic systems now of unknown extent and quality. We plan to upgrade the septic system. We want to improve the driveway for a turnaround. We want to clean up some old issues.

Tom Hitchins: I realize that the Board has not been given a copy of the plan. I apologize for that. I would to start out with some photographs. I have them labeled. You could pass them around.

Mr. Astorino: Could we keep them for the record?

Tom Hitchins: Yes. Looking at the drawing that I have, this is the lake view side.

Mr. Kowal: If I had a boat that is what I would see.

Tom Hitchins: Yes. Looking at the drawing, this is the original house. This is virtually unchanged. It is a log structure as if many of the other houses were done like at that time. There is an addition of a room that was put on it. It has a large loft like second floor. There does currently exist in the bulkhead area here a dock area. Our basement areas currently exist here. You will see in the photographs a small cottage in this area. We are talking about simply filling in by tearing down the cottage and filling in the gap with a structure on the scale of the original one. Looking at the plan, if we look at it from the street side there is an existing carport and building, we want to put in a recessed tower and the blocks of the main addition. One of the things that will come up and Dave could explain it better than I can is that some of the buildings are currently in the Right-Of-Way. We are cutting them back, but not totally out of the ROW. We are reducing that violation with this plan.

Tom Hitchins shows to the Planning Board the main plan of all buildings and explains to the Board the design and the floor plans. He discusses and shows what he wants to do between the main building and the cottage by tearing down the cottage and filling in with an addition. He also states that they are not increasing any side yard violations at this point. The building is to be a log building. The height is to be about 32± feet. It would also be in keeping with the existing log vacation houses that are around the lake.

Mr. Astorino: Did you submit a Visual Analysis?

Dave Getz: No.

Mr. Astorino: That will be something that will be required.

Dave Getz: Despite the fact that there will be more square footage of the building in the end the number of bedrooms on the property would remain the same.

Tom Hitchins: Exactly. We are not increasing.

Mr. Fink: What is the square footage?

Tom Hitchins: The current total square footage is about 2000 square feet right now. We are going up to about 4800 square feet.

Zen Wojcik: Is that every floor?

Tom Hitchins: No. That is not every floor. It is the total square footage. Do you want the footprint?

Zen Wojcik: Yes.

Tom Hitchins: The current footprint is 1316 square feet. We are going up 2161 square feet.

Mr. McConnell: Which part of this actually look log? Looking at these photographs, I don't see a log in there.

Tom Hitchins: The gables on each end here are currently logged.

Mr. McConnell: Why do you call it a log house?

Tom Hitchins: Structurally, it is a log house.

Mr. McConnell: Visually, it is not.

Tom Hitchins: Visually, as you are going up and down the lake and seeing the ends, you would see it is logged.

Mr. Bollenbach: You will need to provide other photos on that along with a Visual EAF.

Tom Hitchins: We will do that.

Mr. McConnell: Is that a private road?

Dave Getz: Yes.

Mr. Astorino: Is that off Lake Shore?

Zen Wojcik: It is East Shore Road.

Mr. Astorino: Ok.

Dave Getz: It is very close to the New Jersey border.

Mr. Showalter: It would be across Derrick from Jeter's house.

Mr. Astorino: Yes.

Comment #3: Applicant proposes demolition of three existing structures, construction of a new structure (garage), and significant "renovation and expansion" of the primary dwelling, mostly within the lake's Designated Protection Area. Provide photos of site (at least one from the lake) and architectural drawings including floor plans and plans for exterior elevations showing the structure's mass and architectural features for the Planning Board's information. Show and dimension proposed building height.

Mr. Astorino: We have that already.

Zen Wojcik: Are the drawings being submitted for the record?

Tom Hitchins: I will submit what I have right here. We will submit additional sets as you want it.

Dave Getz: I would like to continue onto comment #4, but we don't have to go through the rest of the comments.

Mr. Astorino: The Board must have been in a very good mood on Monday night. There are a lot of comments here.

Dave Getz: Many of the comments have to do with septic system.

Comment #4: The limits of Shore Avenue right-of-way are shown on the Site Plan and on the Existing Conditions Survey. Applicant proposes construction of a new septic tank and septic pump tank within this right-of-way. Also, a portion of the renovated and expanded portion of the primary dwelling will continue to be in the ROW as well as the existing well. Applicant's submitted deed shows that the applicant does not own the ROW. Applicant to discuss why this construction should be allowed outside the applicant's property. Provide a copy of the private road use and maintenance agreement for the Planning Board Attorney's review.

Dave Getz: Ok.

Mr. Bollenbach: Who is the applicant's attorney?

Tom Hitchins: T/B/A.

Mr. Bollenbach: You will need to get in touch with me. What I am looking for is the Use and Maintenance Agreement, deed, right-of-way agreement, or what have you. Is there already some type of documentation that there is an additional easement or a ROW to construct within that area?

Dave Getz: I am not sure of that. We do have a letter from Forest Park Association from Joan Cerone, President, dated 10/1/07. The letter is stated as follow:

To Whom It May Concern:

As president of the Forest Park Association, I have reviewed the proposed plans to renovate/redesign the home and septic system of Richard Slater and Wayne Wolfe, located at 93 Shore Avenue, Town of Warwick.

The Association is in complete agreement with the all of their building plans and feels that the improvements will be a great enhancement to our beautiful community. We are aware that a portion of their septic system was built under the roadway known as Shore Avenue and understand that the redesigned system will be upgraded as proposed in their plans submitted to the Town of Warwick.

We look forward to the finished results.

Very truly yours,

*Joan Cerone
President*

Mr. Bollenbach: That references the septic but it doesn't reference the structures. We will need more information and clarification and perhaps some legal documents to be filed.

Dave Getz: They say that they were going to do the site plans. This is another site that we would like to set a site visit.

Mr. Astorino: We will discuss that at the Friday night, 10/5/07 work session. Zen, as far as these comments, is there anything that jumps out to you?

Zen Wojcik: Since we have the Architect here, there are a couple of discussions about the buildings. Regarding the garage, there is a comment on there about the Aerobic treatment unit being under a raised patio. Is this going to be a 2-story garage?

Tom Hitchins: No. That is just a simple garage. There is not anything that could be considered habitual space in that garage.

Dave Getz: That side of the site is a cliff. We don't have topo that goes all the way up to the top. It is a huge elevation change. That patio area would be a landscaped feature. We will provide more detail on that.

Zen Wojcik: Ok.

Dave Getz: I would like to discuss comment #13 regarding non-conforming conditions. Because we are increasing the coverage and it is above the minimum, it would require a variance. We could discuss this more during the site walk.

Mr. Astorino: We will need to see this first before this Board could give any recommendation at this point.

Mr. Bollenbach: Besides increasing the lot coverage, there is the percentage. You are exceeding the percentage allowed.

Dave Getz: Yes. The allowed is 30%. We calculated that the existing condition is 33%. We would be raising that to 37%.

Mr. Bollenbach: That will require a variance.

Mr. Astorino: Yes.

Mr. Bollenbach: See what could be done to keep it in the 33%.

Mr. Astorino: Let us do a site visit first.

Mr. Bollenbach: It is something for the applicant to consider.

Mr. Astorino: We will discuss it Friday night at the work session.

Dave Getz: Ok.

Mr. Astorino: We will list comments 5 through 27 for the record.

Comment #5: The proposed septic tank and pump tank are to be constructed 5 feet from the renovated and expanded dwelling where 10 feet is required. Revise.

Comment #6: All symbols and linetypes shall be shown in the Legend.

Comment #7: Place the name and address of the applicant/owner on the Site Plan.

Comment #8: A "septic cleanout" is shown adjacent to the parcel (on lands N/F McDermott), located ± 14 feet from the proposed septic absorption field. The Survey shows this as a well. Show all wells within 200 feet of the proposed septic field (as checked off on the Site Plan checklist). Show offset distance between existing well and proposed septic absorption field.

Comment #9: Provide erosion control measures on plans consistent with the current "NYS Standards and Specifications for Erosion & Sediment Control" and include details.

Comment #10: The label for the proposed Aerobic Treatment Unit on the Site Plan notes that it is to be constructed "under new raised patio". No patio is shown on the plan. Provide correspondence from the manufacturer of the aerobic unit that covering the unit with a patio will not adversely effect its operation.

Comment #11: Applicant to discuss stormwater runoff onsite.

Comment #12: Show and dimension lot lines.

A) Per §164-41C(4)(i), "In the event that a yard abutting a lake is provided, it shall be at least five feet." Revise the Bulk Table on the plan and reference the appropriate section.

Comment #13: Applicant proposes to increase the non-conformity of the parcel by increasing the lot coverage. Applicant and Board to discuss referral to ZBA.

Comment #14: Provide sight distance triangles at driveway / road intersection (ref. NYSDOT Highway Design Manual §5.9.5). Dimension sight triangles. Indicate that

actual sight distance equals or exceeds minimum sight distance. Include a note that the area of the triangles shall be kept free from visual obstructions.

Comment #15: Survey indicates a “wood retaining wall” along the easterly side of Shore Avenue. Label this feature on the Site Plan.

Comment #16: The parcel has two existing septic absorption fields. The Demolition & Removals Plan shows these fields “to be abandoned”. However, the areas of the field are proposed to be occupied by septic tanks and force mains. Applicant to discuss the manner in which these fields are to be abandoned.

Comment #17: The application is for a four-bedroom dwelling, which requires a 1250 gallon septic tank. Revise septic Construction Details and Site Plan.

Comment #18: Revise the section view of the sewage disposal system for Eljen units, as proposed.

Comment #19: The Notes for the Section view refer to a diversion swale. No diversion swale is shown on the Site Plan. Revise.

Comment #20: The calculation for the sewage disposal system concludes that 108 LF of Eljen In-drains are required. The Site Plan shows only 60 LF to be constructed. One line of the Eljen units is proposed to be constructed within an existing gravel drive, which is substantially different from the adjacent area where percolation tests were performed. Applicant to discuss.

Comment #21: The Schematic Plan for the proposed system notes that the force main between the aerobic unit and the distribution box shall have a “continuous slope back to the aerobic unit”. As designed, the aerobic unit is at a higher elevation than the distribution box. Applicant to discuss.

Comment #22: On the Aerobic Treatment Unit Details sheet, the “Advantex Parameters” note refers to a different application. Revise.

Comment #23: It is noted in the “Maximum Allowed Wastewater Strength” notes that the flow through the aerobic unit “shall be limited to a maximum of 130 gallons per day”. The septic system is designed for a four-bedroom dwelling, with a flow of 520 gallons per day. Applicant to discuss.

Comment #24: Applicant shall provide a test pit at the proposed location of the aerobic unit dug to the depth that the unit must be installed. Show the test pit information on the plan to prove the suitability of the Excavation and Backfill Detail for this location. Provide elevations for the bottom of the excavation, top of tank, and rim elevations for the various risers and lids.

Comment #25: Complete the “Pump Rating Conditions” information required on the plan.

Comment #26: Board to consider a waiver from performing septic dye tests since the existing sewage disposal systems will be removed as part of this project.

Comment #27: Applicant and Board to discuss existing condition of Shore Avenue and any existing maintenance and use agreement for this private road.

Dave Getz: Thank you.

Roger and Anahita Kopet

Application for site plan approval for the construction and use of concrete bulkhead, cantilevered beams with wood deck, reconstruction of retaining walls, and rebuilding of a framed structure, located within "A Designated Protection Area" of Greenwood Lake, situated on tax parcel S 72 B 3 L 15.2; project located on the eastern side of Route 210 600 feet north of Rocky Trail, in the SM zone, of the Town of Warwick.

Representing the applicant: Roger and Anahita Kopet, the applicants.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. Provide a Location Map on the plans. Show on the plan an overlay district table (Traditional Neighborhood, Ridgeline, Aquifer and Agricultural). Indicate whether or not the project is within any of these districts.
4. Place the following notes on the plans:
 - a. "All outdoor lights shall be designed, located, installed, and directed in such manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property. The prohibitions and requirements listed in Section 164-43.4 of the Town Code shall apply to all proposed and existing outdoor lighting fixtures."
 - b. "No site preparation or construction within the right-of-way of NYS Route 210 (Jersey Avenue), including utility connections, shall commence before obtaining the permission of the New York State Department of Transportation"
5. On the cross-section details, show that a geotextile fabric shall be placed against the rear face of proposed dry-laid stone and keystone-block walls before backfilling. Show the outlet locations for proposed footing drains.
6. Applicant to discuss types of plantings for terraced beds.
7. Referring to Note 2 on sheet S-1, if stainless steel hardware is to be used in contact with galvanized steel, note that rubberized washers or pads shall be utilized along the interface to prevent galvanic action.
8. Provide a framing plan for the proposed dock.
9. Provide a copy of the structural calculations, signed and sealed by the NYSPE, for the Town Engineer's review and record.
10. Provide the declaration and the recording information on the plan for Aquifer Protection Overlay Notes.

The following comment submitted by the Conservation Board, dated 10/3/07:

Roger and Anahita Kopet - The CB is concerned that the level of reconstruction and new construction can adversely affect GWL and recommends that extra care be taken to avoid such impacts with a best practices erosion control plan.

The following comment submitted by the ARB, dated 10/1/07:

Roger and Anahita Kopet - The drawings presented with the Kopet application are an excellent example of what the ARB would ideally like to see from an applicant. We realize that the applicant is a structural engineer and has done her own drawings and designs, thereby minimizing outside expenses. She is to be commended for this very creative, artistic and still sensitive design.

Comment #1: Board to discuss SEQR.

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

Mr. Showalter 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: Kopet Bulkhead and Deck

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan application by Roger & Anahita Kopet for a \pm 0.012 acre parcel of land located at 499 Jersey Ave, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 9/12/07 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 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.

Anahita Kopet: We have a 65-foot waterfront property on the eastern side of Route 210. It across our property at 499 Jersey Avenue across the street. Presently before the last draw down the south 15 feet of the property was developed. We have a bulkhead at about 15 feet going out into the lake about 12-1/2 feet that was an existing shed. There is a deck on top. There were floating docks that we removed. We wanted to develop the rest of the property by building a concrete bulkhead. We want to put in steel beams and create a deck. We have removed the shed. We plan to rebuild another shed. There should have been retaining walls. There was a stonewall that collapsed at the sides. We are going to reorganize and create more of an organized area.

Mr. Astorino: This photo that you have showed us of the shed, was this existing?

Roger Kopet: That was existing.

Mr. Astorino: Are you going to rebuild in the same footprint?

Anahita Kopet: It will be a smaller footprint with a different design.

Mr. Astorino: Ok.

Comment #3: Provide a Location Map on the plans. Show on the plan an overlay district table (Traditional Neighborhood, Ridgeline, Aquifer and Agricultural). Indicate whether or not the project is within any of these districts.

Anahita Kopet: Yes.

Mr. Astorino: There is a table that is put onto the plans. You will check that off.

Anahita Kopet: Yes. We have put the table in. We have revised the drawings. We put the notes in that needed to be added to it.

Mr. Astorino: Good.

Comment #4: Place the following notes on the plans:

A) "All outdoor lights shall be designed, located, installed, and directed in such manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property. The prohibitions and requirements

listed in Section 164-43.4 of the Town Code shall apply to all proposed and existing outdoor lighting fixtures.”

Anahita Kopet: Done.

- B) “No site preparation or construction within the right-of-way of NYS Route 210 (Jersey Avenue), including utility connections, shall commence before obtaining the permission of the New York State Department of Transportation”.

Anahita Kopet: Done. The note is in.

Mr. Astorino: In your next submittal that will reflect that.

Comment #5: On the cross-section details, show that a geotextile fabric shall be placed against the rear face of proposed dry-laid stone and keystone-block walls before backfilling. Show the outlet locations for proposed footing drains.

Roger Kopet: We have done revisions to the drawings. We will submit that.

Mr. Astorino: Ok.

Comment #6: Applicant to discuss types of plantings for terraced beds.

Anahita Kopet: Yes.

Roger Kopet: On the cover sheet, we have a note, note #9 that refers to landscape plantings. It is with quick root mass. We have listed, juniper, mountain pink, or similar.

Mr. Astorino: Ted, are you alright with that?

Mr. Fink: I will have to take a look at it.

Comment #7: Referring to Note 2 on sheet S-1, if stainless steel hardware is to be used in contact with galvanized steel, note that rubberized washers or pads shall be utilized along the interface to prevent galvanic action.

Anahita Kopet: Yes.

Roger Kopet: We saw that note. We have included that in our drawings. We have fully considered that.

Comment #8: Provide a framing plan for the proposed dock.

Roger Kopet: We have that.

Comment #9: Provide a copy of the structural calculations, signed and sealed by the NYSPE, for the Town Engineer’s review and record.

Roger Kopet: We turned that in at the work session.

Zen Wojcik: Yes. We received that at the work session.

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

Roger Kopet: Yes. To elaborate on that shed that was existing, it is no longer there.

Mr. Astorino: John, do we need a public hearing on this?

Mr. Bollenbach: Yes. Has there been a dye test done?

Zen Wojcik: The house is across the street on top of the hill. This portion of the property is separate from the house by Route 210. There is no house on this location.

Mr. Bollenbach: So, the septic is beyond 100 feet from the edge of the water.

Zen Wojcik: Yes.

Mr. Bollenbach: Ok.

Mr. Singer makes a motion to set the Roger and Anahita Kopet application for a public hearing at the next available agenda.

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

Mr. Astorino: You will need to resubmit revised drawings. Once you will resubmit, we will put you on for a public hearing.

Roger Kopet: When do we resubmit?

Connie Sardo: The next submittal date is 10/17/07.

Roger Kopet: Ok.

Mr. Bollenbach: We have comments from the CB, dated 10/3/07 and ARB, dated 10/1/07.

Roger Kopet: Thank you.

Lissowski Residence / Joe Irace

Application for site plan approval for the construction and use of a 2nd floor addition to an existing single story cottage and 1st floor renovation work, located within “A Designated Protection Area” of Greenwood Lake, situated on tax parcel S 74 B 5 L 1; project located on the lake side of Lake Shore Road 20± feet east of Greenwood Lake (136 Lake Shore Road), in the SM zone, of the Town of Warwick.

Representing the applicant: Joe Irace, Architect.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
 - A. Provide a Visual EAF Addendum and line-of-sight assessment.
 - B. Provide additional photos.
2. Applicant to discuss project.
3. Place the name and address of the applicant/owner on the Site Plan.
4. Show and dimension lot lines. The southeast corner of the existing and proposed house footprint extends 0.5 feet over the property line. Applicant and Board to discuss.
5. Submitted photos show mature trees next to the existing one-story house. Will these trees remain when the proposed two-story house is constructed? Provide landscape details on the plans, including trees to be removed and proposed plantings.
6. Survey indicates a flagstone patio where the applicant proposes placing silt fence for erosion control. This surface is not suitable for placing silt fence in conformance with the detail shown on the plan. Provide appropriate erosion control measures for the site.
7. Driveways shall be designed and constructed in compliance with §A168-19. First 25 feet of driveway shall be paved.
8. Provide sight distance triangles at driveway / road intersection (ref. NYSDOT Highway Design Manual §5.9.5). Dimension sight triangles. Indicate that actual sight distance equals or exceeds minimum sight distance. Include a note that the area of the triangles shall be kept free from visual obstructions.
9. Add the following notes:
 - a. “No site preparation or construction, including utility connections, shall commence before a valid Driveway Permit has been secured from the Town of Warwick Department of Public Works.”
 - b. “All outdoor lights shall be designed, located, installed, and directed in such manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property. The prohibitions and requirements listed in Section 164-43.4 of the Town Code shall apply to all proposed and existing outdoor lighting fixtures.”
10. Schedule a septic dye test to be witnessed by the Town Engineer.

The following comment submitted by the Conservation Board, dated 10/3/07:

Lissowski Residence / Joe Irace - The CB is concerned that the level of reconstruction and new construction can adversely affect GWL and recommends that extra care be taken to avoid such impacts with a best practices erosion control plan.

The following comment submitted by the ARB, dated 10/1/07:

Lissowski Residence / Joe Irace – Plans presented seem to conform with all design codes. The ARB is available to the applicant and/or his architect for assistance.

Comment #1: Board to discuss SEQR.

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

Mr. Kowal makes a motion for Lead Agency.

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

617.6

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

Name of Action: Lissowski Residence Renovations & Addition

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan application by Lissowski for a \pm 0.75 acre parcel of land located at 136 Lakeshore Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 8/27/07 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 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.

- A. Provide a Visual EAF Addendum and line-of-sight assessment.
- B. Provide additional photos.

Comment #2: Applicant to discuss project.

Mr. Astorino: That is what we are looking for.

Joe Irace: I have here some additional photos. They are labeled on the back of them. The cottage is the little green one in each of the photos. The applicant/owner is looking to add a 2nd floor to this building and renovate the existing building that is there now. We will provide a 15% larger footprint than what is there now maximum by code to create a little entrance way into this project. There is really no landscaping there to speak of now. One of the comments asks if we are removing mature trees that appear to be on the property in the photographs. Those trees are not on our property. There is only one tree on the property on the lakeside. That tree is not being removed.

Comment #3: Place the name and address of the applicant/owner on the Site Plan.

Joe Irace: Fine.

Comment #4: Show and dimension lot lines. The southeast corner of the existing and proposed house footprint extends 0.5 feet over the property line. Applicant and Board to discuss.

Joe Irace: There is a 6" projection of the corner of the existing 1st floor that goes over the property line. If it is any kind of an issue or it requires a variance, we would chop that piece of the building off or at least on the 2nd floor addition and not build that little piece. We could corner it off if it becomes an issue.

Mr. Astorino: That is an issue.

Mr. Bollenbach: That is an issue. You cannot increase the degree of non-conformity.

Joe Irace: Should be chop off on the lower floor or just don't go on the 2nd floor? The 2nd step is 6". It is just a corner.

Mr. Bollenbach: I will have to take a look. Zen, we will have to take a look at that.

Zen Wojcik: Yes. The existing house corner goes 6" over the line.

Mr. Bollenbach: So, you can't go any further than that.

Zen Wojcik: They are not proposing to go any further, but there is going to be a 2nd story.

Mr. Astorino: I think with that new addition, I don't think you want to push that out that far.

Mr. Bollenbach: You cannot go beyond what is existing.

Mr. Astorino: But, you could still go to that existing corner even if it is over.

Mr. Bollenbach: I will have to take a look.

Comment #5: Submitted photos show mature trees next to the existing one-story house. Will these trees remain when the proposed two-story house is constructed? Provide landscape details on the plans, including trees to be removed and proposed plantings.

Mr. Astorino: We just discussed the photos of mature trees. You said that is on the other people's property.

Joe Irace: They are.

Mr. Bollenbach: Do they have a title policy? Did they recently purchase this?

Joe Irace: It has been submitted. They are in the process of purchasing it. They actually live about two houses behind it.

Mr. Bollenbach: That will be a title issue with the encroachment.

Joe Irace: The person who signed the house is Mr. Strauss. They are the neighbors. It encroaches onto their property.

Mr. Bollenbach: To clean this up, perhaps give them an easement or a right-of-way. You are before the Board now, do a simple lot line change. It doesn't require any additional public hearings. Just do a lot line change to cure it. You are before the Board. Take care of the problem.

Joe Irace: Should we request that or just chop off 6" of the corner of the building?

Mr. Bollenbach: I would go and do the lot line change just to cure it.

Joe Irace: Does that require new titles and new surveys?

Mr. Bollenbach: No.

Mr. Astorino: Just amend the application.

Mr. Bollenbach: Do the lot line change. You will have to have a new survey anyway for the sale.

Joe Irace: Ok. I don't want it to prolong the process.

Mr. Bollenbach: It will not. If it was just a lot line change, it wouldn't even require a public hearing.

Mr. McConnell: Does this applicant make an application for the lot line change or does the owner?

Mr. Bollenbach: It is the owner of the property that signed the application or the affidavit authorizing this action.

Joe Irace: The owner of both of these parcels in these photographs is the house just north of this. They are just selling off one of the houses to their neighbor. The part that encroaches is on the other person's property that is selling the house.

Mr. McConnell: The applicant is the buyer not the seller.

Joe Irace: The applicant is the buyer.

Mr. McConnell: It has to be a joint between the buyer and the seller.

Mr. Bollenbach: Yes. There would be an affidavit that is submitted with the application by the property owner authorizing the prospective purchaser to pursue the application.

Mr. McConnell: Ok. I got it.

Comment #6: Survey indicates a flagstone patio where the applicant proposes placing silt fence for erosion control. This surface is not suitable for placing silt fence in conformance with the detail shown on the plan. Provide appropriate erosion control measures for the site.

Joe Irace: The flagstone patio does not exist there. We don't want to build a wood deck; we want to build an additional structure.

Mr. Astorino: Is there not a flagstone patio located there?

Joe Irace: It is probably loose stone hanging on the ground. You could see it in the photos.

Zen Wojcik: On the survey it says flagstone. If it is different surface, you will need to clarify that.

Joe Irace: We are thinking that because of this one little part they have to add onto this new entry, we want to protect that for erosion control. Maybe, we should focus on just putting the erosion control around that.

Zen Wojcik: The point is that the erosion control that you are showing is done into the ground, which is a flagstone patio. You cannot do that. If you want to have erosion control there, there are other measurements that you could use. If there isn't a flagstone patio, that takes care of it, they could dig into the ground.

Joe Irace: It would probably be more appropriate for us to move the erosion control measure to just the area that is being reconstructed.

Comment #7: Driveways shall be designed and constructed in compliance with §A168-19. First 25 feet of driveway shall be paved.

Joe Irace: The driveway that exists in the photograph is just gravel. We will define it somehow.

Mr. Astorino: You will need to pave the first 25 feet.

Joe Irace: Could we leave it just as gravel?

Mr. Astorino: No. You must pave the first 25 feet.

Joe Irace: Ok.

Comment #8: Provide sight distance triangles at driveway / road intersection (ref. NYSDOT Highway Design Manual §5.9.5). Dimension sight triangles. Indicate that actual sight distance equals or exceeds minimum sight distance. Include a note that the area of the triangles shall be kept free from visual obstructions.

Joe Irace: Fine.

Comment #9: Add the following notes:

A)“No site preparation or construction, including utility connections, shall commence before a valid Driveway Permit has been secured from the Town of Warwick Department of Public Works.”

Joe Irace: Fine.

B)“All outdoor lights shall be designed, located, installed, and directed in such manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property. The prohibitions and requirements listed in Section 164-43.4 of the Town Code shall apply to all proposed and existing outdoor lighting fixtures.”

Joe Irace: We will add note.

Comment #10: Schedule a septic dye test to be witnessed by the Town Engineer.

Joe Irace: I understand that the owner has been trying to contact the Town to get that arraigned. That will be taken care of.

Mr. Astorino: Are you going to amend the application for the lot line change?

Joe Irace: T/B/A.

Mr. Bollenbach: Do you want to set it for a public hearing? The only thing outstanding is the dye test. You will have to address the other issues. There are no showstoppers. Do you request to be set for a public hearing?

Joe Irace: Yes.

Mr. Singer makes a motion to set the Lissowski Residence /Joe Irace application for a public hearing at the next available agenda.

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

Mr. Astorino: You will have to amend the application, get the dye test done, and address these comments first. Once that is done, you will resubmit revised plans. Then, we will put you on for a public hearing.

Joe Irace: Ok.

Mr. Bollenbach: Talk to the lot owner or their attorney. They could get in touch with me. I would really recommend going ahead with the lot line change to clean everything up.

Joe Irace: Ok. Thank you.

Other Considerations:

1. **Wheeler Road Estates** – Planning Board to discuss Scheduling a Site Visit.

Mr. Astorino: We will discuss that on Friday, 10/5/07 at the work session.

2. **Villari Subdivision** – Letter from Lehman & Getz Engineering, dated 9/20/07 addressed to Planning Board – in regards to the Villari Subdivision requesting a 6-Month Extension on final approval of a proposed 4-Lot Subdivision (SBL #33-1-29). Final Approval was granted on, 5/2/07. *The applicant and their engineer need to complete the final documents and plans for the project.* The 6-Month Extension becomes effective on, 11/2/07.

Mr. McConnell makes a motion on the Villari Subdivision, granting a 6-Month Extension on final approval of a proposed 4-Lot subdivision, granted on 5/2/07. The 6-Month Extension becomes effective on, 11/2/07.

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

3. **Cedar Ridge Subdivision** – Letter from Kirk Rother, P.E., dated 9/28/07 addressed to the Planning Board – in regards to the Cedar Ridge Subdivision requesting a 5th 6-Month Extension on preliminary approval of a proposed 36-Lot subdivision (SBL # 7-2-51.2). Preliminary Approval was granted on 3/2/05. *The applicant is currently still in the process of obtaining OCHD approval.* The 5th 6-Month Extension becomes effective on, 9/2/07.

Mr. McConnell makes a motion on the Cedar Ridge Subdivision, granting a 5th 6-Month Extension on preliminary approval of a proposed 36-Lot subdivision, granted on 3/2/05. The 5th 6-Month Extension becomes effective on, 9/2/07.

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

4. **October 8, 2007 Work Session** – Planning Board to discuss rescheduling the Monday, 10/8/07 Work Session to Friday, 10/5/07 due to the Columbus Day Holiday.

Mr. Showalter makes a motion on rescheduling the 10/8/07 works session to Friday, 10/5/07 at 7:30 p.m.

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

Correspondences:

1. Letter from Craig and Bobbi Jo DiBona, dated 9/21/07 addressed to the Planning Board – in regards to the Mary Tavolacci site plan application.

Mr. Astorino: That letter is in our packets.

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.

Craig DiBona: Regarding the Tivolacci application, comment #12 that talks about the assumption that the pipe is blocked, which is not. That is incorrect.

Mr. Astorino: We don't even know if there is a pipe out there.

Craig DiBona: That is the pipe that drains the whole pond out.

Zen Wojcik: The purpose of modeling, it is an engineering model.

Craig DiBona: I am just asking for clarification.

Zen Wojcik: I am trying to clarify that for you. The purpose of modeling a flood, an engineer looks at the worst case scenario. Right now, the water goes through that pipe. At some time during a rainstorm, it will continue to go through that pipe. What if that pipe was blocked? That would make it much worse if the pipe was open.

Craig DiBona: Ok.

Zen Wojcik: The model that Mr. Getz has worked out that a typical engineering scale would block that pipe and say now it is going over. This is a worst case scenario.

Craig DiBona: Gotcha. Thank you. I appreciate it. Could you explain comment #11 regarding what the 75.6 feet mean?

Zen Wojcik: There was discrepancy in crest elevations in the calculations. Dave and I spoke on the phone today. He is already updating the model.

Craig DiBona: Thank you.

Mr. Astorino: Is there anyone else wishing to address any of the agenda items? Let the record show no further public comment.

Mr. Singer makes a motion to adjourn the October 3, 2007 Planning Board meeting.

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