

TOWN OF WARWICK PLANNING BOARD

October 6, 2010

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, October 6, 2010 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

PUBLIC HEARING OF Fairgrounds, LLC. (Autozone)

Application for “*Amended*” Site Plan Approval and Special Use Permit for the construction and use of a commercial building (Autozone) approximately 6,785 square feet in size entitled Fairgrounds #1, situated on tax parcel S 50 B 1 L 40.2; parcel located on the northern side of NYS Route 94 1500 feet east of Warwick Turnpike, in the DS zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Adrian Goddard, Applicant.

Connie Sardo: Mr. Chairman, we have received the certified mailings for the Fairgrounds #1 Amended Site Plan Approval application for the public hearing.

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments (letter dated 10/04/10)
 - a. Concerns about possible changes to and disruption of the current grading/sloping, retention pond, and turtle fencing.
 - i. Applicant stated no changes being made to these areas.
4. Architectural Review Board comments (dated 09/26/10)
 - a. Center door element is not articulated – offsets should be shown on both exterior and interior plans.
 - b. ARB prefers pavers to concrete for sidewalks.
 - c. Recommend a siding extension onto the dumpster rather than stone veneer.
 - d. Applicant to finalize exterior elements and submit them in a binder with samples/print sheets to building dept.

5. OCPD – letter dated 04/16/10 – no advisory comments.
6. ADA requires accessible route from site boundary to the building. HC ramp should be proposed at the end of the sidewalk (towards Price Chopper) to avoid having HC access from entrance along the entire parking lot to rear HC ramp. Consider moving HC spaces and ramp closer to building entrance. HC ramp should be located off the access aisle between the HC parking spaces.
7. Sheet 1 Note 15 should be revised to state the last revision date of the approved plans.
8. This sign should have a separate detail on Sheet 6 of 6. No parking between signs should be added to detail.
9. The parking spaces between the two No Parking from 6am to 8am signs should have a solid stripe added to the rear of the parking spaces to alert drivers that these spaces are within the loading zone of AutoZone.
10. The truck turning movements to the loading area should be shown.
11. The truck turning diagram shows the truck backing up to the dumpster, although it is understood that a similar maneuver would be used to access to loading dock.
12. The truck turning diagram shows that the truck needs 16 parking spaces to pull in before backing into the loading dock; the site plan shows that the no parking during loading signs only include 11/12 spaces. The locations of the no parking signs need to be revised.
13. Applicant should show that there is sufficient turning radii throughout the site (i.e., truck entering and turning right; when truck leaving does it go behind Price Chopper?)
14. Recommend removal of the parking space closest to the loading door because it appears to obstruct access to the loading door and vehicles parked there could be hit if the large dumpster doors were not secured properly.
15. Sheet 3 does not appear to show the revised grading around the southeast corner of the building or the west portion of the parking lot; this should be shown. Contours are shown jumping the curb. Curb detail has 6" reveal. This grading is not correct. Add spot grades at curb locations, all corners and around the HC parking spaces to verify the correct grades are provided.
16. The length, diameter, and type of material for the proposed drainage pipe must be shown.
17. The relocated light near the relocated fire hydrant should be called out.
18. Sheet 4 of 6 Note #19 says to see the landscape plan for seed mixture but the seed mixture is not provided on the landscape plan.
19. Sheet 4 of 6 Notes #20 and 22 are the same. Are both needed? Consider having a graphic detail illustrating tree protection measures.
20. Handicap detail should include a striping detail for the HC symbol, with dimensions.
21. Provide a detail for the wall mounted HC sign.
22. Shifting of the handicapped parking spaces one space to the left would make it so that the sidewalk to the side door does not need to be ramped.
23. The curb line at the access road to the detention basin must be modified to provide access to the basin.
24. Declarations for the aquifer protection overlay district and the agricultural protection overlay district were filed in the Orange County Clerk's Office on 08/21/08; liber 12719, page 430. – (already complete).
25. As a condition of final site plan approval for Fairgrounds #1, a three-ring binder with all color, texture, roofing samples, hardiplank siding, corner panels, crossbuck panels, stone veneer, pavers, support brackets, glazing elements, lighting fixtures, signage, and dormer/cupola elements, etc. shall be submitted and retained with the Building Department after final approval is granted.
26. Sewer laterals usually exit a building at 90°; this should be shown on the site plan now to show the best layout for the pipe alignment.

27. Sewer laterals should not connect directly to the sewer manhole; the connection with the lateral should be made in the sewer main before the manhole.
28. Payment of all fees.
29. A sign permit must be obtained from the building inspector prior to construction of signage.

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

Fairgrounds, LLC. (Autozone) – The CB has no comments, other than to recommend that the construction activity stay well clear of the recharge basin and turtle fences immediately adjacent to the AutoZone site.

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

Fairgrounds, LLC. (Autozone)

The set of plans that Mr. Schaeffer submitted on 9/15 for the applicant have incorporated significant design enhancements to the original proposal. After reviewing both the version submitted 8/30 without dormers and the version submitted 9/15 with dormers, we believe that the 9/15 version presents a better overall aesthetic, more in keeping with the overall proposed aesthetic of the development. While the dormers have changed in scale, they do indeed break up the flat facades and add significant interest to the building.

The large-scale illusions to a rear door and smaller doors facing 94 N present a more agrarian feel to approaching traffic and also indicate that there is something in this building of interest. However, on the inside plan, we note that the the center door element has not been articulated in the plan as the other doors have been. It is and should be a three-dimensional feature of the building, not a flat, painted on element, and the offsets should be shown on both exterior and interior plans.

The dormers on the public entry facade also break up the flat planes and add visual interest. They tend to mitigate what otherwise would look more like a “medium box store” cookie-cutter facade on an otherwise agrarian building. When looking at the side elevations, this version also eliminates that impression.

As stated in previous response to the Planning Board, the ARB prefers the use of pavers for the pedestrian sidewalk and believe that they are more ecologically friendly, equally if not more durable and minimize impact for repairs to underlying elements. The experience of the members of the ARB who spec these types of projects and oversee their building is that there is no greater risk to pedestrians posed by a property installed area of pavers than by irregularities in concrete. It is true that in vast expanses it is more difficult to clear snow from pavers, but in a limited sidewalk situation it should be easily handled.

The only possibly negative comment is that we would like to see an extension of the siding onto the garbage/dumpster area instead of a vast expanse of stone veneer.

We would ask that the applicant finalize his palette of all exterior elements – including but not limited to roofing, hardiplank siding, corner panels, crossbuck panels, stone veneer, pavers, support brackets, glazing elements, lighting fixtures, signage, and dormer and cupola elements.

He should be prepared to submit them, and a binder with samples or print sheets with visual elements for approval and for filing with the plans and the building department.

The overall goal with this building has not been to finesse the design for the use of a specific applicant, but to help the applicant arrive at a building that will meet the architectural aesthetics that the Town has expressed in its most recent revisions to the Town Code. And, as important, to help the applicant create a building that will be perceived as a positive addition to the Town with long-term potential for sustainable use, by the current proposed tenant or reuse by subsequent tenant(s).

We look forward to reviewing the finalized palette and materials.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: Under SEQR, this project went through the full EAF procedure. A Findings Statement had been adopted and in the mean time the Findings Statement had been amended. It reflected changes made to the site plan at post preliminary approval. Whenever there are any further modifications that are made to the approved site plan, it doesn't necessarily mean you have to amend the Findings Statement every time and go through the process. You would take a look at the Findings Statement to see whether or not any of the modifications that are proposed require a substantive modification of prior findings. What I had done, I had gone through the entire Findings Statement. I highlighted sections of the document. I put in a number of comments that were related to the specifics of the pad site. That was mentioned separately within the original Findings Statement. I highlighted sections for you in yellow to see what was relevant as far as the Findings Statement is concerned. Any of the areas for potential consideration, I put them in bold face type and brackets so that you could see what had actually changed. For instance, if you go to page 2 of the Findings Statement, there was a discussion about the pad site being a 3600 sf building. Now, we have a proposed 6,785 square foot retail building proposed. It does increase the size of the building. You would also need to look at all of the other findings that the Planning Board had originally reached because eventhough the size of the building may have increased, the impacts may have not increased. One of the first things that we looked at when this application came in to us a while ago was what would be the traffic implications of this use versus the bank's use. I believe that was the use originally calculated within the EIS. We found that it was a wash from a traffic generation standpoint eventhough the building was larger, that doesn't mean the building was utilized in anymore of an intensive manner than a bank of half the size of that. For each of the areas that had some relevance, you could see the next one on page 5 in the Findings Statement, in terms of the location of the proposed parking. The parking is proposed the same way that it was as the original pad site. The drive thru has been eliminated because the original bank building had a drive thru. The proposed parking for the pad building was originally to be 14 spaces. Now the parking for the proposed pad building has now increased to 21 spaces including two handicapped spaces for an increase of 50 percent. We had taken a look at the wastewater flows. The AutoZone's design flow is estimated to be 591 gpd and there is a capacity of 1200 gpd available given the current PriceChopper design flow. There appears to be no significant change in regards to water and sewer.

Mr. McConnell: Ted, I see in your notes that you talk about this compared to the current PriceChopper design flow. Do we have any statistics or data on what the PriceChopper's

flow actually is as compared to the design flow? For instance, they may have been designed for an X number of gallons and they might be using more than that which would use the excess capacity by some number. Do we have that information?

Mr. Fink: I believe all we have is the design flow for both the PriceChopper and for the AutoZone. I don't know if we received anything that showed the actual reading of the gallons per day from PriceChopper.

Dave Getz: We don't have that information.

Mr. McConnell: Do you have the ability to get that information?

Adrian Goddard: Yes.

Mr. McConnell: I think that would be important. We are not in a design planning stage for PriceChopper. We don't need to rely on what it was designed for. Let us get some statistics, data on what is actually putting through.

Mr. Astorino: The calculations that was received for AutoZone, do they exceed what we were receiving from the bank?

Mr. Fink: They were at 591 gpd. I don't believe they are exceeding.

Mr. Astorino: That was calculated in on the initial with PriceChopper with the bank pad site. That was all calculated into that design flow.

Mr. Bollenbach: If I am not mistaken, I believe it was done with excess capacity. There was about a 50% excess capacity already designed into it.

Adrian Goddard: That is correct.

Mr. Fink: I think there were some features also with the PriceChopper that related to conservation. There may be some reductions from the amounts that were originally estimated. I don't know. I am just speculating.

Adrian Goddard: I don't really know. The projections were conservative based on the grocery store usage.

Mr. McConnell: Right. I think we are in a position now where we could get actual numbers. It would give us the ability to compare actual numbers to what the design was. We might then find out that there was even greater excess capacity.

Mr. Astorino: That would be especially beneficial on the other site.

Mr. McConnell: Yes. We don't know that yet.

Mr. Astorino: There may be excess numbers for that.

Adrian Goddard: Right.

Mr. Fink: The next area in the Amended Findings Statement on page 9 talks about the geology, soils, and the topography. There appear to be no significant changes from the Amended Findings Statement approved by the Planning Board on 2/6/08. As far as water resources, there were no significant changes. As far as the endangered species, there were no significant changes. The next area in the Amended Findings Statement on page 9 talks about Land Use and Zoning. There was a lot of discussion about screening the parking area. The applicant at this point in the southerly and easterly elevation of the building proposed is to put about 20 trees to soften the proposed structure. When you go back and take a look at the original approval that was granted, there was a stipulation on the site plan to the effect that the parking areas would be screened from the view of Route 94. I was asked by the Building Department back in May of 2010 to go out and take a look at the plantings that have been provided on the site. They wanted me to see if that condition has been satisfied. I prepared a memo in email form to John Batz. I attached that memo to the Findings Statement. It had a number of recommendations. One of the recommendations was to plant a row of street trees on Route 94. There is already a substantial 150-foot buffer along the entire road frontage. There is significant and natural vegetation that is already located there. But, there is a gap there that appears to be asphalt leftover from the widening project that was simply dumped by the side of the road there. It was quite unsightly. It could be improved by landscaping and removal of the asphalt. That was my recommendation on that. If you look on the last 2 pages of this, you will see that there were a number of recommendations that were made.

Mr. Showalter: Ted, where was this asphalt?

Adrian Goddard: It was where the hotdog stand was.

Mr. Showalter: You could put a couple of trees in there. It doesn't look bad there.

Mr. Fink: Right. That was my suggestion. My suggestion was to plant a few trees there in that area.

Mr. Astorino: Would that be out of the State's R.O.W.?

Mr. Fink: Yes.

Mr. Showalter: There were some trees planted over where the hotdog stand was.

Mr. Fink: There were 2 or 3 trees planted in there. My suggestion is to continue the tree line. It's in the Design Guidelines. This way, it would be consistent with everything. I am simply suggesting here that nothing has been proposed at this point on the site plan and that the Board might want to consider a few more street trees being planted along Route 94 in front of the project.

Mr. Bollenbach: The Board might want to consider that as supplemental plantings to the Town Planner's specifications as a condition of the approval.

Adrian Goddard: That would be fine. I have no objections to that.

Mr. Fink: Ok. The next area in the Findings Statement on page 25, there was a projection of 15 jobs per pad building site. The EAF indicates there will be 6 jobs generated after the project has been constructed, a decrease of 60% from the previous estimate. The only area that seems to have a significant increase in the Findings Statement on page 26, were there was an estimate made for solid waste production. The prior estimate was 5.5 tons per year. Dave, if this was correct when the EAF was revised a 6 tons per month, which works out to 72 tons per year of solid waste. That doesn't account for solid waste that would be recyclable like cardboard and auto parts, but no further information has been provided by the applicant. I don't know if the applicant wants to say anything more about that.

Dave Getz: We don't have any more information on that.

Adrian Goddard: How did you come up with that number? That seems extraordinary.

Dave Getz: I don't remember.

Adrian Goddard: Most of the stuff they do is recyclable. There would not be a significant net amount of garbage going out of the site.

Mr. Fink: If you take a look through the remainder of the Findings Statement, there were no other areas that appears to have significant changes in terms of the Findings Statement. That sums up the SEQR issues. If the Board feels the Findings Statement could stand as it is, just keep in mind that these things will change when the Fairgrounds #2 site application moves along. That may be an area where you would have to look at an Amended Findings Statement. That was specifically done for the Country Chevy. There likely might be some changes made once that project moves along. At this point with Fairgrounds #1 AutoZone project, I think the Findings Statement could stand as is.

Mr. Astorino: Ok. That would be with these changes that you have made.

Mr. Fink: Yes.

Mr. Bollenbach: Ted, would that be the action by the Board which is on page 33?

Mr. Astorino: That will happen when we do Fairgrounds #2.

Mr. Fink: What I am saying is that I don't think we need to go back to amend the Findings Statement. I think we need to resolve that there are no significant or substantial changes.

Mr. Astorino: Then, all we need is a motion on this that there are no significant changes.

Mr. Fink: That there are no significant modifications of the Findings Statement is warranted based upon the changes that have been proposed by the applicant.

Mr. Astorino: Ok.

Mr. Bollenbach: Is this the certification for this AutoZone application?

Mr. Fink: No. This is the original certification of the Amended Findings Statement that was adopted.

Mr. Astorino: We just need a motion on this.

Mr. Bollenbach: Ok.

Comment #2: Applicant to discuss project.

Dave Getz: Since our last appearance, we had a site visit. We submitted plans that reflected the changes that we talked about at the site visit.

Mr. Astorino: Ok.

Comment #3: Conservation Board comments (letter dated 10/04/10)

- a. Concerns about possible changes to and disruption of the current grading/sloping, retention pond, and turtle fencing.
 - i. Applicant stated no changes being made to these areas.

Mr. Astorino: We had seen that at the site visit.

Comment #4: Architectural Review Board comments (dated 09/26/10)

- a) Center door element is not articulated – offsets should be shown on both exterior and interior plans.
- b) ARB prefers pavers to concrete for sidewalks.
- c) Recommend a siding extension onto the dumpster rather than stone veneer.
- d) Applicant to finalize exterior elements and submit them in a binder with samples/print sheets to building dept.

Mr. Astorino: That will be done before final. I know that we had discussed the sidewalks.

Mr. Bollenbach: On comment #4 d, after the word Building Department we will put that as a condition of final approval.

Mr. Astorino: Ok. That would give them their pallets of colors and everything. We had asked the ARB about the pavers and I thank them for getting back to us so quickly. The ARB had sent us a letter regarding the pavers. They recommended the pavers with a litany of reasons why. What is the Board's feeling on this?

Mr. Singer: I would like to see pavers.

Dave Getz: Is it pavers for esthetics or for infiltration?

Mr. Astorino: Would it be for both?

Adrian Goddard: That is a big difference between regular pavers and pervious pavers.

Mr. Astorino: I don't think you have to worry about the infiltration. You are not exceeding the limits.

Mr. Bollenbach: On this particular pad, was there an increase in runoff?

Mr. Astorino: No.

Mr. Showalter: This Board member likes the concrete.

Mr. Astorino: What does the Board want to do?

Mr. McConnell: I would like to see pavers.

Mr. Kowal: I would like to see pavers.

Mr. Singer: Pavers.

Mr. Astorino: Ok. Pavers it will be.

Comment #5: OCPD – letter dated 04/16/10 – no advisory comments.

Mr. Bollenbach: We could strike comment #5.

Comment #6: ADA requires accessible route from site boundary to the building. HC ramp should be proposed at the end of the sidewalk (towards Price Chopper) to avoid having HC access from entrance along the entire parking lot to rear HC ramp. Consider moving HC spaces and ramp closer to building entrance. HC ramp should be located off the access aisle between the HC parking spaces.

Dave Getz: Comments 6 through 23 relates to handicap, parking, and truck movements. I think those are minor comments. We will take care of those comments.

Mr. Bollenbach: We will put comments 6 through 23 for the record.

Comment #7: Sheet 1 Note 15 should be revised to state the last revision date of the approved plans.

Comment #8: This sign should have a separate detail on Sheet 6 of 6. No parking between signs should be added to detail.

Comment #9: The parking spaces between the two No Parking from 6am to 8am signs should have a solid stripe added to the rear of the parking spaces to alert drivers that these spaces are within the loading zone of AutoZone.

Comment #10: The truck turning movements to the loading area should be shown.

Comment #11: The truck turning diagram shows the truck backing up to the dumpster, although it is understood that a similar maneuver would be used to access to loading dock.

Comment #12: The truck turning diagram shows that the truck needs 16 parking spaces to pull in before backing into the loading dock; the site plan shows that the no parking during loading signs only include 11/12 spaces. The locations of the no parking signs need to be revised.

Comment #13: Applicant should show that there is sufficient turning radii throughout the site (i.e., truck entering and turning right; when truck leaving does it go behind Price Chopper?)

Comment #14: Recommend removal of the parking space closest to the loading door because it appears to obstruct access to the loading door and vehicles parked there could be hit if the large dumpster doors were not secured properly.

Comment #15: Sheet 3 does not appear to show the revised grading around the southeast corner of the building or the west portion of the parking lot; this should be shown.

Contours are shown jumping the curb. Curb detail has 6" reveal. This grading is not correct. Add spot grades at curb locations, all corners and around the HC parking spaces to verify the correct grades are provided.

Comment #16: The length, diameter, and type of material for the proposed drainage pipe must be shown.

Comment #17: The relocated light near the relocated fire hydrant should be called out.

Comment #18: Sheet 4 of 6 Note #19 says to see the landscape plan for seed mixture but the seed mixture is not provided on the landscape plan.

Comment #19: Sheet 4 of 6 Notes #20 and 22 are the same. Are both needed? Consider having a graphic detail illustrating tree protection measures.

Comment #20: Handicap detail should include a striping detail for the HC symbol, with dimensions.

Comment #21: Provide a detail for the wall mounted HC sign.

Comment #22: Shifting of the handicapped parking spaces one space to the left would make it so that the sidewalk to the side door does not need to be ramped.

Comment #23: The curb line at the access road to the detention basin must be modified to provide access to the basin.

Comment #24: Declarations for the aquifer protection overlay district and the agricultural protection overlay district were filed in the Orange County Clerk's Office on 08/21/08; liber 12719, page 430. – (already complete).

Mr. Astorino: That is complete.

Dave Getz: I just wanted to make sure those didn't need to be redone or changed in any way.

Mr. Bollenbach: No. Just as long the information already appears on the map. We will keep comment #24 as to confirm map note.

Mr. Astorino: John, do you want to keep comment #24 as a place keeper.

Mr. Bollenbach: Yes.

Comment #25: As a conditional of final site plan approval for Fairgrounds #1, a three-ring binder with all color, texture, roofing samples, hardiplank siding, corner panels, crossbuck panels, stone veneer, pavers, support brackets, glazing elements, lighting fixtures, signage, and dormer/cupola elements, etc. shall be submitted and retained with the Building Department after final approval is granted.

Mr. Showalter: Regarding comment #25, have all interested parties reviewed this stuff so we don't have it later on?

Mr. Astorino: We have comments from the ARB.

Mr. Showalter: Very good.

Mr. Astorino: They are going to submit before final all their stuff. The ARB had their meetings.

Penny Styer: Ben, we would like to see the colors sooner rather than later so that we could come to you and tell you that these colors are great. We think the applicant has gone a long way with designing this. It is much better than what was originally proposed.

Mr. Astorino: We will get it in. We will do it as a condition of final site plan approval. We will work through it. Comment #25 covers all the bases. That means, once it is done with the Planning Board the ARB will take a look at it, the Planning Board will take a look at it to approve. Then, we would sign off on the maps. After that, it would go to the Building Department so they could follow it until completion of the building. The bottom line is that the Planning Board will see this before the maps get signed.

Comment #26: Sewer laterals usually exit a building at 90°; this should be shown on the site plan now to show the best layout for the pipe alignment.

Dave Getz: Will do.

Comment #27: Sewer laterals should not connect directly to the sewer manhole; the connection with the lateral should be made in the sewer main before the manhole.

Dave Getz: Will do.

Comment #28: Payment of all fees.

Dave Getz: Ok.

Comment #29: A sign permit must be obtained from the building inspector prior to construction of signage.

Dave Getz: Ok.

Mr. Bollenbach: We will add a comment #30. Provide Supplemental Plantings with 3-Year Landscape Maintenance Bond to Town Planner's specifications. We will also add a comment #31. Provide actual PriceChopper sewage flow rates.

Mr. Astorino: Does the Board or Professionals have anything else?

Mr. Fink: Ben, what is missing from the site plan is the general lighting notes.

Mr. Astorino: Ok. We will add that comment.

Mr. Bollenbach: That will be comment #32. Provide Lighting Note to the Town Engineer's specifications.

Mr. Astorino: Ok.

Mr. Showalter: I like to make a comment that the lights that the PriceChopper's parking lot have are outstanding. The applicant has done a good job. Our Design Guidelines work.

Mr. Astorino: Yes. I agree. I think they work real well. This is a public hearing. If there is anyone in the audience wishing to address the Fairgrounds #1 AutoZone application, please rise and state your name for the record. Let the record show no public comment. We need a motion to accept the Findings Statement as is.

Mr. Bollenbach: Ted will do a motion.

Mr. Astorino: We will so move it.

Mr. Fink: The Planning Board has reviewed the Amended Findings Statement, dated February 6, 2008 and has determined that the modifications proposed to accommodate the AutoZone site plan will not require substantive modification to the Planning Board's prior decision on the Findings Statement.

Mr. Showalter makes a motion on what Ted Fink had just stated regarding the Amended Findings Statement.

Seconded by Mr. Singer.

Mr. McConnell: John, what happens if AutoZone backs out of this and we wind up with a different tenant? We made this specifically refer to AutoZone.

Mr. Bollenbach: There are provisions in the Code for change in use. That could be handled through the Building Department itself. The criteria would be sewer capacity, water capacity, traffic generation, etc... If it triggers any of those thresholds, then it would go back to the Planning Board.

Mr. McConnell: Ok. The Building Department has the ability to make that evaluation.

Mr. Bollenbach: Yes. That would also be in cooperation with myself and with the Planning Board's engineer. We would determine the intensity of the use and whether it would fit within the special uses in the Code.

Mr. McConnell: I just wanted to know what the ramifications are specifically naming.

Mr. Bollenbach: Yes. It is the intensity of the use and conformance with the criteria set forth.

Mr. McConnell: Thank you.

Motion carried; 5-Ayes.

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

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

Mr. Showalter makes a motion on the Fairgrounds, LLC. #1 application granting **“Amended”** Site Plan Approval and Special Use Permit for the construction and use of a commercial building (Autozone) approximately 6,785 square feet in size entitled Fairgrounds #1, situated on tax parcel S 50 B 1 L 40.2; parcel located on the northern side of NYS Route 94 1500 feet east of Warwick Turnpike, in the DS zone, of the Town of Warwick, County of Orange, State of New York.

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18. Shifting of the handicapped parking spaces one space to the left would make it so that the sidewalk to the side door does not need to be ramped.
19. The curb line at the access road to the detention basin must be modified to provide access to the basin.
20. Declarations for the aquifer protection overlay district and the agricultural protection overlay district were filed in the Orange County Clerk's Office on 08/21/08; liber 12719, page 430. Confirm Map Note.
21. As a Condition of Final Site Plan Approval for Fairgrounds #1, a three-ring binder with all color, texture, roofing samples, hardiplank siding, corner panels, crossbuck panels, stone veneer, pavers, support brackets, glazing elements, lighting fixtures, signage, and dormer/cupola elements, etc. shall be submitted and retained with the Building Department after final approval is granted.
22. Sewer laterals usually exit a building at 90°; this should be shown on the site plan now to show the best layout for the pipe alignment.
23. Sewer laterals should not connect directly to the sewer manhole; the connection with the lateral should be made in the sewer main before the manhole.
24. Payment Of All Fees.
25. A sign permit must be obtained from the building inspector prior to construction of signage.
26. Provide Supplemental Plantings with 3-Year Landscape Maintenance Bond to Town Planner's specifications.
27. Provide actual Price Chopper sewage flow rates.
28. Provide Lighting Note to the Town Engineer's specifications.

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

Dave Getz: Thank you.

Adrian Goddard: Thank you.

PUBLIC HEARING OF Charles and Viviana Holmes

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

Representing the applicant: Bob Krahulik, Attorney. Bob Hoffman, Contractor.

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

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments dated August 29, 2010 have been considered; letter from CB dated October 04, 2010 stated no additional comments.
4. Architectural Review Board comments dated July 18, 2010 have been considered.
5. Greenwood Lake Commission comments dated August 28, 2010 have been considered.
6. Orange County Department of Planning, letter dated August 28, 2010, has no advisory comments.
7. Payment of all fees.

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

Charles and Viviana Holmes – The CB has no comments.

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

Charles and Viviana Holmes – Chris Collins went to the site visit and after reviewing his observations, we make no comment.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This is an Unlisted Action. The Planning Board has declared itself Lead Agency. We have been reviewing the application with the short EAF. Because there are no physical alterations of the property, there is no potential for site issues. The Planning Board Engineer did go through the process of the dye test to make sure that the septic system is functioning properly. The results of the dye test showed that the septic system is functioning properly. From a SEQR standpoint, those were the only two issues. I have prepared a Draft Negative Declaration for the Planning Board's consideration.

Mr. Astorino: Thank you.

Comment #2: Applicant to discuss project.

Bob Krahulik: This project involves simple renovations to a home on lakefront property in Greenwood Lake, which is a Designated Protection Area. The applicant proposes to raise the ceiling and the roofline on the top floor of the existing structure. It doesn't involve any extension of the structure outside the existing footprint. I believe all of the comments that we have received from the Planning Board's Engineer have been addressed.

Comment #3: Conservation Board comments dated August 29, 2010 have been considered; letter from CB dated October 04, 2010 stated no additional comments.

Comment #4: Architectural Review Board comments dated July 18, 2010 have been considered.

Comment #5: Greenwood Lake Commission comments dated August 28, 2010 have been considered.

Comment #6: Orange County Department of Planning, letter dated August 28, 2010, has no advisory comments.

Comment #7: Payment of all fees.

Bob Krahulik: Will do.

Mr. Astorino: Do any Board members or Professionals have any comments? This is a public hearing. If there is anyone wishing to address the Charles and Viviana Holmes application, please rise and state your name for the record. Let the record show no public comment.

Mr. Showalter makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: Holmes Dwelling Addition Site Plan

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed 200 square foot addition to an existing dwelling within the Designated Protection Area of Greenwood Lake, Town of Warwick, Orange County, New York, and

Whereas, there are no other involved agencies pursuant to SEQR, and

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 6/24/10, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

Now Therefore Be It Resolved, that the Planning Board adopts the findings and conclusions relating to probable environmental effects contained within the attached EAF and Negative Declaration and authorizes the Chair to execute the EAF and file the Negative Declaration in accordance with the applicable provisions of law, and

Be It Further Resolved, that the Planning Board authorizes the Chair to take such further steps as might be necessary to discharge the Lead Agency's responsibilities on this action.

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

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

Mr. Kowal makes a motion on the Charles and Viviana Holmes application, granting Site Plan Approval for the construction and use of alterations and addition to an existing single-family residence located within "A Designated Protection Area" of Greenwood Lake, situated on tax parcel S 75 B 1 L 8.2; project located on the eastern side of Lake Shore Road 1200 feet north of Jersey Ave. (76 Lake Shore Road) in the SM zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on October 6, 2010. Approval is granted subject to the following conditions:

1. Payment of all fees.

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

Bob Krahulik: Thank you.

Other Considerations:

1. **Route 94S Corridor proposed CB Zoning District Amendments** – Planning Board to discuss the Final GEIS Zoning Law Amendments for the Proposed Community Business District (CB zone).

Mr. Astorino: We discussed this at length at the Work Session. An email went out to all the Board members asking if anyone had any comments for Ted on this matter. Ted, did you receive any comments from the Board?

Mr. Fink: No. I did not.

Mr. Astorino: Ok. I think the Board is good with it as it stands. We could send a memo out to the Town Board to that effect.

Mr. Bollenbach: Is the Board in consensus?

Mr. Kowal: Yes.

Mr. McConnell: Yes.

Mr. Showalter: Yes.

Mr. Astorino: We have a consensus from the Board.

2. **Lands of Luft Subdivision** – Letter from Kirk Rother, dated 9/22/10 addressed to the Planning Board in regards to the Lands of Luft Subdivision – requesting a 6-Month Extension on 2nd Re-Approval of Final Approval of a proposed 22-Lot cluster subdivision + 2-Affordable Homes Subdivision and Special Use Permit for the Affordable Homes, situated on tax parcel S 26 B 1 L 6.5; parcel located on the northern side of Newport Bridge Road and at the intersection with Blooms Corners Road, in the RU zone, of the Town of Warwick. Final Approval was granted on, 4/16/08. The 2nd Re-Approval of Final Approval was granted on 4/21/10 became effective on, 4/16/10. *The applicant has stated that due to the current economic conditions, the applicant has had difficulty in obtaining the necessary financing to satisfy the conditions of final approval.* The 6-Month Extension on 2nd Re-Approval of Final Approval becomes effective on, 10/16/10.

Mr. McConnell makes a motion on the Lands of Luft Subdivision application, granting a 6-Month Extension on 2nd Re-Approval of Final Approval of a proposed 22-Lot cluster subdivision + 2-Affordable Homes Subdivision and Special Use Permit for the Affordable Homes, SBL # 26-1-6.5. Final Approval was granted on 4/16/08. The 2nd Re-Approval of Final Approval was granted on 4/21/10 became effective on, 4/16/10. The 6-Month Extension on 2nd Re-Approval of Final Approval becomes effective on, 10/16/10.

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

3. **Wheeler Road Estates** – Letter from Ryan McGuire, Pietrzak & Pfau Engineering, dated 9/29/10 addressed to the Planning Board in regards to Wheeler Road Estates Subdivision – requesting a 10th 6-Month Extension on Preliminary Approval of a proposed 32-Lot cluster subdivision, situated on tax parcel S 8 B 2 L 44.223; parcel located on the northerly side of Wheeler Road (C.R. 41) at the intersection with Dussenbury Drive, in the RU zone, of the Town of Warwick. Preliminary Approval was granted on, 11/2/05. *The applicant has stated due to the current economic and housing climate, as well as the banking industry's present lending policies, the applicant will require an additional extension until he can obtain private financing for this project.* The 10th 6-Month Extension becomes effective on, 11/2/10.

Mr. McConnell makes a motion on the Wheeler Road Estates application, granting a 10th 6-Month Extension on Preliminary Approval of a proposed 32-Lot cluster subdivision, SBL # 8-2-44.223. Preliminary Approval was granted on, 11/2/05. The 10th 6-Month Extension becomes effective on, 11/2/10.

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

4. **Round Hill Subdivision** – Letter from Steven Spiegel, Esq., dated 9/28/10 addressed to the Planning Board in regards to the Round Hill Subdivision – requesting a **4th Re-Approval** of Final Approval of a proposed 19-Lot + 1-Ag Lot cluster subdivision, situated on tax parcel S 7 B 2 L 51.1; parcel located along the northerly side of Wheeler Road between Meadow Road and Hunt Drive, in the RU zone, of the Town of Warwick. Final Approval was granted on 10/18/06. The 3rd Re-Approval of Final Approval was granted on 10/7/09 became effective on 10/18/09. *The applicant has stated that the 4th Re-Approval of Final Approval is needed because of the condition for final approval requiring construction of roads and significant infrastructure, which real estate market and financial conditions do not permit at this time.* The **4th Re-Approval** of Final Approval becomes effective on, 10/18/10, subject to the conditions of final approval granted on, 10/18/06.

Mr. Kowal makes a motion on the Round Hill Subdivision application, granting a **4th Re-Approval** of Final Approval of a proposed 19-Lot + 1-Ag Lot cluster subdivision, entitled, **“Round Hill Subdivision”**, formerly Wheeler Estates, located on tax parcel S 7 B 2 L 51.1; parcel located along the northerly side of Wheeler Road between Meadow Road and Hunt Drive, in the RU zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of Final Approval granted on, 10/18/06. The 4th Re-Approval of Final Approval becomes effective on, 10/18/10, subject to the conditions of Final Approval granted on, 10/18/06.

Seconded by Mr. Showalter.

Mr. McConnell: The discussion here is that this goes back prior to the current economic situation where we are all reminded of regularly. I am wondering if there is something beyond the current economic conditions that are in play here.

Mr. Astorino: I don't know. I can't answer that.

Mr. McConnell: I don't know. I think we are sort of rubber stamping some these.

Mr. Astorino: Dennis, the bottom line is that you could put all of these in a basket and say the same thing. I am reading all of these and they are all saying the same thing. The end of the story is that there is no money.

Mr. McConnell: I hear you. But, I was wondering when there was money why wasn't this going through.

Mr. Astorino: I can't answer that.

Mr. McConnell: I know. I understand.

Motion carried; 5-Ayes.

5. **Allan & Maureen Mante Subdivision** – Letter from Kirk Rother, P.E., dated 9/2/10 received on 10/5/10 addressed to the Planning Board in regards to the Mante Subdivision – requesting “**Re-Approval**” of Final Approval of a proposed 2-Lot subdivision, situated on tax parcel S 47 B 1 L 78.234; parcel located on the eastern side of Bellvale Lakes Road and 2,725 feet south of Rabbitt Hill Road, in the MT zone, of the Town of Warwick. Final Approval was granted on, 9/2/09. The 6-Month Extension was granted on 3/3/10 became effective on, 3/2/10. *The applicant has stated that they are still in the process of satisfying the conditions of final approval.* “**Re-Approval**” of Final Approval becomes effective on, 9/2/10, subject to the conditions of Final Approval granted on, 9/2/09.

Mr. Kowal makes a motion on the Allan and Maureen Mante Subdivision application, granting “**Re-Approval**” of Final Approval of a proposed 2-Lot subdivision, situated on tax parcel S 47 B 1 L 78.234; parcel located on the eastern side of Bellvale Lakes Road and 2,725 feet south of Rabbitt Hill Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of Final Approval granted on, 9/2/09. Re-Approval of Final Approval becomes effective on, 9/2/10, subject to the conditions of Final Approval granted on, 9/2/09.

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

6. **Watchtower Bible & Tract Society** – Letter from Bob Pollock, dated 9/15/10 addressed to the Planning Board in regards to the Watchtower Project. The applicant would like to schedule a site visit of the property with the Planning Board.

Representing the applicant: Bob Krahulik, Attorney.

Mr. Astorino: This site visit should be done on a Saturday. It will take some time going through this site.

Bob Krahulik: The only date that we would not be available is 10/23/10. Any other Saturdays would be fine to schedule a site visit.

Mr. Astorino: We will schedule the Watchtower site visit for Saturday, 11/6/10 @ 10:00 a.m.. Bob, could you send Connie an address on where everyone should meet?

Bob Krahulik: Yes.

Mr. Bollenbach: Laura, have you taken a look at the map to see if the relevant features are properly marked? We had a discussion at the office about that issue. I said before we go out there; let's mark out the features and where the roads are. Bob, maybe, you could just confirm that.

Bob Krahulik: I told them that was your desire. They told me that they have already been out there and it has been staked within the last week or two. I haven't seen it. I can't tell you in degree of what has been marked.

Laura Barca: Do you want me to go out into the field to see what was marked or take a look at the map?

Mr. Astorino: No. We will all go out there. This will take some time. This is a big site. The site visit is scheduled for Saturday, 11/6/10 @ 10:00 a.m.. Connie will email everyone about that.

7. Planning Board Minutes of 9/1/10 – Planning Board Minutes of 9/1/10 for Planning Board's Approval.

Mr. Showalter makes a motion to Approve the 9/1/10 Planning Board Minutes.

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

8. Planning Board to discuss cancelling the 10/11/10 Work Session and the 10/20/10 Planning Board Meeting due to no submittals received on 9/29/10 & 9/30/10.

Mr. Showalter makes a motion to cancel the 10/11/10 Work Session and the 10/20/10 Planning Board Meeting.

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

Correspondences:

1. Letter from Kirk Rother, P.E., dated 10/5/10 addressed to the Planning Board – in regards to the Warwick Views Subdivision requesting that the Planning Board discuss scheduling a continued site visit.

Representing the applicant: Kristen O'Donnell.

Mr. Astorino: This is for the house sites and septic for that alternative with the community septic plan. This site visit shouldn't take that long. We will schedule the site visit for Wednesday, October 20, 2010 @ 5:00 p.m..

Connie Sardo: I will email everyone about that.

Mr. Astorino: Ok.

Privilege Of The Floor For Agenda Items!!

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

Mr. McConnell makes a motion to adjourn the October 6, 2010 Planning Board meeting.

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