

TOWN OF WARWICK PLANNING BOARD

October 15, 2008

Members present: Chairman, Benjamin Astorino
Russell Kowal, Dennis McConnell
Roger Showalter
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 15, 2008 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 Cardiac Care Systems, Inc.

Application for Preliminary Approval of a proposed 7-Lot plus 1-Lot of Open Space Conservation Density Subdivision, entitled, "*Cascade Road Subdivision*", situated on tax parcel S 53 B 1 L 8; parcel located on the northerly side of Cascade Road 710± feet east of Cascade Park Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York. Continued Public Hearing from the 9/17/08 Planning Board meeting.

Representing the applicant: Abe Chitsaz from Zimmerman Engineering. Mehren Shirazi, Applicant.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
 - A. OC Planning review.
2. Applicant to discuss project.
3. Applicant to discuss ownership of and public access to open space Lot 8.
4. Provide calculations for rip rap sizing for the pipe coming into the forebay. Also revise the peak flow used to size the rip-rap in worksheet under Appendix G. Note that these items should be sized for the 10-year storm event.
5. Proposed culverts should be sized for 10-year storm event. Revise worksheet under Appendix F.

BEFORE FINAL APPROVAL:

6. Provide 9-1-1 addressing.
7. Provide a signed copy of the NOI. Applicant to provide signed and sealed copy of the final revised SWPPP.
8. Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners and stone cairns at the corners of conservation areas, as directed by the Town Engineer.
9. Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes and Radon Reduction Notes.
10. Provide the declaration and the recording information on the plan for Common Driveway and Private Road and Drainage Use and Maintenance Agreement.
11. Provide an offer of dedication for road strip for Town Board approval.

12. Pay performance bond and construction inspection fee for private road, stormwater management facilities, and erosion control.
13. Pay parkland fees.
14. Pay outstanding review fees.
15. Provide Final Application Submittal and Final Fees

The following comment submitted by the Conservation Board:

Cascade Road Subdivision – None submitted.

The following comment submitted by the ARB, dated 10/15/08:

Cascade Road Subdivision – No further comments.

Comment #1: Board to discuss SEQR.

Mr. Fink: This is an Unlisted Action. The Planning Board declared itself Lead Agency using the Long EAF to assess the significance of potential impacts. That includes a number of areas that we examined. The property is located within the Town's Ridgeline Overlay Zoning District. We had asked the applicant to prepare the Visual EAF Addendum as well as to prepare a viewshed analysis. The applicant has prepared those items. There was a need for a soils investigation because of some of the characterizations of some of the soils on the site and the stability for septic systems. Based upon the report, the engineer's evaluation determined that there were suitable conditions present on the site for all the proposed septic systems. A SWPPP has been prepared. The SWPPP was to address soil erosion sedimentation as well as the quantity of stormwater runoff. There are a couple of wetlands located on the property. There is one Federal wetland located on the property. There is another wetland that is regulated by both the Federal and State Government. The applicant has avoided those wetlands through their proposed subdivision plan. We had asked the applicant as part of the Town's requirements to investigate as to whether or not there were any species of conservation concern or any important habitats on the site. The NY Heritage Program had identified the potential presence of Indiana Bats and Bog Turtles on the site. There was a report that was commissioned. It was revised a couple times. The report felt there was no suitable habitat for Bog Turtles on the property within the wetlands. In terms of the Indiana Bats, the only areas on the property that would have a suitable habitat were adjacent to the State protected wetlands that would not be disturbed in any case. Finally, this area as well as many areas in the Town, there is the potential presence of radon within the groundwater. The subdivision plan does have notes that are associated with radon and the water supply systems as well as the prevention of radon gases entering the building by certain construction practices for the proposed buildings. That is a summary of what we looked at so far under SEQR.

A. OC Planning review.

Mr. Astorino: Ted, could you discuss the OC Planning review?

Mr. Fink: The OC Planning Department had done two preliminary reviews on this application. I don't know if I have their latest letter. Zen, do you have a copy of that?

Zen Wojcik: I sent an email to Megan Tennermann on Tuesday because we had not received the latest version of that review. She told me that we would receive something by today. I did not receive anything from her today in my email. Connie, did you receive anything from Megan?

Connie Sardo: No.

Zen Wojcik: We are still waiting on that.

Ted Fink: OC Planning Department has 30 days to provide a response. I believe it has been more than 30 days now since the subdivision application was forwarded to the OC Planning Department. I believe by law they only get 30 days to review and provide a response.

Mr. Astorino: You are correct on that.

Comment #2: Applicant to discuss project.

Abe Chitsaz: Since the last submittal, we have addressed a majority of the technical comments. There are a couple of additional comments that we will address. The applicant himself would like to make a couple comments.

Mehren Shirazi: I want to address the issue of lot #8. Lot 8, is a 74-acre conservation open space lot. There have been some questions as to what is happening with this lot. I would like to let you know that I am very much for conserving any green space. At present time, I am in contract with the NY/NJ Trail Conference. They are requiring a similar lot from the Town of Monroe. They are very much interested in this lot. We are very much interested in selling it to them. We are in the process of negotiation. The last time I had a conversation with them, they were going to order an appraisal on this lot. The rest is to be followed.

Mr. Astorino: Do you have any documentation to that effect that you could submit to the Board as far as correspondence with the Trail Conference?

Mehren Shirazi: No. Everything so far has been verbal.

Mr. Fink: Ben, we do have a letter addressed to the Planning Board from NY/NJ Trail Conference dated 7/9/08. The Letter is stated as follow:

Dear Mr. Astorino:

Back in March of this year, I appeared before the Planning Board with Mr. Mehren Shirazi to discuss the donation of a portion of the property mentioned above to the NY-NJ Trail Conference. This section of the property would be designated as public open space and used for a proposed hiking trail that will run through eastern Warwick to connect the County Park and Cascade Park to the Appalachian Trail.

At that time, members of the Planning Board asked that I send a copy of the map showing the route of the proposed trail and greenway to them for their records, and I agreed to provide one. I apologize for the delay, but I have enclosed two poster-sized maps of the proposed greenway for your use. The areas marked "DEC" on the maps are actually 480(a) forestry lands.

I hope you find the maps useful, and I look forward to working with you and Mr. Shirazi to complete this project. Please contact me if you have any questions about the map or the greenway.

Best regards,

*William P. O'Hearn
Conservation Director*

Mr. Fink: Basically, that was it. The map that they provided us is a 11x17 map. It is a color map. What they have provided here shows the potential linkage between protected lands. I will put this map up on the board for the public to take a look at.

Mr. Astorino: Ted, please highlight the area for the public.

Mr. Fink: Ok.

Comment #3: Applicant to discuss ownership of and public access to open space Lot 8.

Mr. Astorino: As the applicant has pointed out, they are still in negotiation with the NY/NJ Trail Conference. Do we have a trail on the map?

Zen Wojcik: Yes. At the request of the Planning Board, there is a parking space shown on Cascade Road for 3 or 4 cars so that people could park their cars when they want to use the trail.

Mehren Shirazi: I think we all agree that the conservation land is to remain.

Mr. Astorino: We understand that it would always remain as open space because that is part of the subdivision. Our issue is if this trail is to connect these parcels, we want to make sure that would happen.

Mehren Shirazi: Ok.

Mr. Astorino: Are we all on the same page with this? John, is that what we are looking for as far as with this trail?

Mr. Bollenbach: Yes. The details would have to be worked out. I would like to see some correspondence. If you said that you are in contract with them...

Mehren Shirazi: No. I am not in contract with them.

Mr. Bollenbach: But, you are in communication with them.

Mr. Astorino: We will need you to get us some type of hard copies of these negotiations or something from the Trail Conference.

Mehren Shirazi: Ok.

Mr. McConnell: Or, at least an expression of the continuation of interest.

Mr. Astorino: Exactly. We will need something.

Mehren Shirazi: Ok. I am sure I could get a letter from them.

Mr. Bollenbach: The Town could contact them directly.

Mr. Astorino: Ok.

Zen Wojcik: Mr. Chairman, the rest of these comments are the same from the previous public hearing.

Mr. Astorino: Ok. We will list comments 4 through 15 for the record. We did receive an email from Dr. Richard Hull. It was sent on October 14, 2008 to Zen and cc: to Mr. Carl Singer. Zen, could you please go through that email you received?

Comment #4: Provide calculations for rip rap sizing for the pipe coming into the forebay. Also revise the peak flow used to size the rip-rap in worksheet under Appendix G. Note that these items should be sized for the 10-year storm event.

Comment #5: Proposed culverts should be sized for 10-year storm event. Revise worksheet under Appendix F.

BEFORE FINAL APPROVAL:

Comment #6: Provide 9-1-1 addressing.

Comment #7: Provide a signed copy of the NOI. Applicant to provide signed and sealed copy of the final revised SWPPP.

Comment #8: Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners and stone cairns at the corners of conservation areas, as directed by the Town Engineer.

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Comment #10: Provide the declaration and the recording information on the plan for Common Driveway and Private Road and Drainage Use and Maintenance Agreement.

Comment #11: Provide an offer of dedication for road strip for Town Board approval.

Comment #12: Pay performance bond and construction inspection fee for private road, stormwater management facilities, and erosion control.

Comment #13: Pay parkland fees.

Comment #14: Pay outstanding review fees.

Comment #15: Provide Final Application Submittal and Final Fees

Zen Wojcik: Yes. Dr. Hull is the Town's Historian. He stopped into the Planning office on Tuesday to look at the plans. He was telling me some of the history of the area. The land back in the 1800's was property of a very noble woman Dr. Hitchcock. She was a professor in geology. She had done several maps of the site that were very detailed. I had asked some of the staff at the Town Hall to look for those maps. They have not found them yet. We are not sure if we have them. There were some conservation restrictions on the property that are still part of the deed. We show them on the plan for water going into the Village of Warwick's Reservoir system. That is shown on the plan. He also alluded to the investigation for uranium. In Dr. Hull's memo he states about the uranium as follow: *"I understand that a number of years ago the restriction was abrogated by our town authorities. In 1956 Golconda and the Ramapo Uranium Corporation undertook extensive explorations of the area for potential commercial exploitation of uranium. I was informed by the late Town*

Attorney, John Beattie, that very deep test shafts were drilled in these lands. Do we know their locations...and those earlier iron mine shafts? Have they been mapped and properly capped? I'm also aware that that Dr. Hitchcock nearly a century ago undertook a comprehensive scientific study of the area, including the Standish, Raynor, and Centennial Mines identifying aquifers, iron and other mineral deposits. Those geological maps which have not been made available to the public should be consulted by the Planning Board." As I have said, we don't have those maps either.

Mr. Astorino: Ok.

Zen Wojcik: We are looking to see if we have them some place in the Town's records.

Mr. McConnell: Those are over 100 years old? Is that correct? Those are not from 1956. Is that correct?

Zen Wojcik: No. Those maps are very old maps.

Mr. McConnell: Those maps are not from 1956. Those maps are from the 1890's.

Zen Wojcik: Yes. Those maps are from the 1890's.

Mr. McConnell: Thank you.

Zen Wojcik: In Dr. Hull's memo, he goes on to state the following: *"While the conception of the site plan is to be praised for its land and environmental conservation designs, it is imperative that the site be examined by professionals who are experts in the field of water and uranium contamination. It would be irresponsible to place human dwelling units on lands that had the potential to produce harmful effects on the health of their occupants. In short, I believe more study of this property is warranted."*

Mr. Showalter: Why was the rest of the Board not cc on this? Why was only Mr. Singer cc from Dr. Hull?

Zen Wojcik: Dr. Hull is not here. He came to the Town Hall on Tuesday. We had a conversation. I asked him to send an email on what he had told me. He said that he wasn't sure if he would get it in to me on time. You could see that the email was sent at 9:00 p.m. He sent the email to me. I didn't know if he was going to cc it to anybody else. I just printed this email out tonight right before this meeting. I was at a seminar today all day long so I didn't get to my email earlier today.

Mr. Astorino: As far as the uranium, the hazard is in the water. Is that correct?

Zen Wojcik: We have this situation in other parts of the Town. Because of this and because of the OCHD concerns and OC Planning Department concerns, a number of years ago the Planning Board agreed to a protocol for those areas where we have potential for radon and uranium in the water. In order to get a building permit, you have to prove that the water on the site was not radioactive. If it was, you could treat it. There are treatments for levels of radioactivity. If you remember, the Board had an expert come before us. He told us about this bubbler system which could be used on an individual well to eliminate the radioactivity in the water.

Mr. Astorino: That was done in the Amity area.

Zen Wojcik: That was the Amity area. Wherever we have the underlining marble in Town, we have high potential for radon. We have had several applications that have done this already. This is also in the Bellvale area where we are also aware of the fact that there is radioactivity in the water because of the Bellvale mountain formation. That was why the Board had asked earlier on in the process for the applicant to put the radon protocol notes on the plans. We have notes already on the plans.

Mr. Astorino: What about soil?

Zen Wojcik: We haven't done any soil testing. We don't know if there was any deposition of radioactive material. It doesn't seem that the sight has been disturbed. The work that had been done for exploration of uranium was done in the general area back in the 1960's.

Mr. Astorino: Was it limited to this site?

Zen Wojcik: We don't even know if it was done on this site. Earlier in the process, I had a member from the Conservation Board that mentioned to me that he thought that there might be uranium mines some place in the back vicinity of the property. He wasn't certain. I sent an email to Mr. Chitsaz on Tuesday asking him if their surveyor had noted of any mines. My belief in listening to Dr. Hull is that these were drilled sites that went down approximately 3,000 to 4,000 feet to monitor where the uranium was. I don't know if the applicant's surveyor had found anything. If they did, it should be noted on the plan. If they are in the area where we are going to have development, then the Board should be aware of that.

Abe Chitsaz: I had discussed that with our surveyor who had done the work. He did not see any evidence of any unusual feature that suggest that there has been any activity. It has been 50 years ago. If there had been anything on site of that nature, it is not visible at the moment.

Zen Wojcik: Dr. Hull's concern is whether these shafts have been sealed or capped. That is a valid concern. They could become a hazard when there would be more people using this area, particularly if there is a trail there.

Mr. Astorino: We need more of an extensive study on this.

Zen Wojcik: That was his recommendation. The Board could consider his recommendation as it does with other professionals.

Mr. McConnell: Let us say for argument sake that a shaft was drilled. How big of a shaft would be typical?

Zen Wojcik: It would be about 4 to 6 inches in diameter.

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

Mr. Bollenbach: Zen, regarding the radon reduction notes. There is also another component regarding vapor barrier. Could you explain how the vapor barrier is installed and its function?

Zen Wojcik: Radon is a byproduct of uranium. If you have uranium, some century from now you would have radon. Radon is transmitted as a gas. It goes up through the ground. A house in an area that is noted for radioactivity should periodically do a radon test. Go to a hardware store and buy a paper gizmo that you stick on a wall. It has instructions. Leave that up for a little while. It has a photosensitive tape inside. Then send it into a lab. They would take a look at it. If there is radon, you would get little blips on that. They will tell you the amount of radon that you have in the air. If you have a house that is built already and you wanted to make it radon proof, it would cost you a bit more money. If you are building a new house, it is relatively cheap. All you do with a new house is waterproof it. You would put a membrane on the outside of the house and on the foundation before you pour it. When you do that, no gases could get into the house. We had estimates around \$1,000.00 increase in the cost of the house. Putting in the membrane in a new house is a lot cheaper. Part of the radon protocol is to do that to the house to make sure the foundation is sealed. We have done that already on several houses in Warwick.

Mr. Astorino: Does the Board have anything else?

Mr. Kowal: Concerning the wells, what if somebody drills a well on a piece of property and it has very high levels of radiation in the water, could the County say no that they are not going to approve that lot?

Zen Wojcik: That is the chance you take with uranium. Uranium is water soluble. That was what our geologist from Tectonic had told me. What happens is that the uranium would be transmitted by the water and collect in the under strata what they call dikes. Dikes are conglomerations of uranium. If you drill a well and drill into a dike, you would get radioactive water. You could move 50 feet away and drill a well. That water would not have any radioactivity whatsoever. We had a situation like this out in Amity on a Planning Board application that we had about 3 years ago. We had a meeting with the OCHD about that application because they had one hot well that was radioactive. The owner was upset about that. The County told them to drill another well because that well might come up clean. They did drill another well. That well came up clean. We don't know. You can't tell by standing there and look at the ground. There is no way in knowing which way the dike goes. It is a chancy thing.

Mr. Astorino: Does the Board have anything further? This is a public hearing. If there is anyone in the audience wishing to address the Cascade Road subdivision application, please rise and state your name for the record.

Christine Kick: I live on Buttermilk Falls Road. I want to apologize for our loudness at the last meeting. About 35 of us neighbors had gotten together and discussed how this would impact all of the local residents. In consideration to you, I would summarize our concerns. The Town Planning Board proposal is a 7-lot cluster plus 1-lot of Open Space Conservation Density property with a small portion being donated to the NY/NJ Trail Conference for public land use. This also includes a parking area. However, most of the 30.58 acres proposed for this housing development are on very rugged landscape with a high elevation that may disrupt our ridgeline. Turning this property into a 7-lot cluster housing complex is

going to require a massive change to the landscape with far-reaching environmental impacts that will extend beyond the boundaries of the Cascade Road property into the Mistucky Brook, the long House Creek, and maybe the Rondout Aquifer. I know when I built my house in the Ridgeline Overlay District, it was huge. We had certain requirements that we had to do so that we wouldn't affect people's view. This property is quite a bit higher than where all of us live. I think this project will definitely obstruct our view. Questions were raised at our meetings that we conducted. Mistucky Brook / Village of Warwick Reservoir – In 1918, a deed restriction was placed on this area to prevent any contamination to the "Mistucky Brook feeding the reservoirs of the Village of Warwick". For over 90 years, nothing has been built upon this land and nothing has had any impact to the Mistucky Brook, which is of type class "AA" water quality. We have a letter that was addressed to all the local residents back in the 50's asking them if anyone wanted to mine the area. They were looking for volunteers to use their property. They would pay them to mine the area. Mines were dug in that immediate area. That letter was addressed to Fred Pollard. He lives right there. He is my neighbor. We border that property. It is right behind us. That was done in that area as proof that there was well drilling back there. We also found newspaper articles back in the 50's that Maureen Cuddeback is presenting. In that newspaper article, it proves that in that piece of property there are mines. There are core drilling mines that are flooding now that have a depth of approximately 50 feet and the cores go down about 300 to 400 feet.

Mr. Astorino: These mines that you are speaking about, are they 3 to 4 inch mines?

Christine Kick: Those were the cores that they did. The mines go down approximately 50 feet. Majority of those mines are flooded now because there are wetlands back there. There are mines back there. They are not capped. Going back to my questions, will that be true? will it continue what the deed would say regarding the AA stream, would it be upheld? Will the drilling / or blasting near the streams that feed the Mistucky not affect the reservoir ? What about the waste from the septic systems? Fertilizers? Pesticides ? Will drilling affect the flow of water to / from the streams that feed the Mistucky? Long House Creek? The entire Rondout Aquifer ? The groundwater system on the parcel is totally contained within bedrock cracks and fissures that carry the flow like water pipes. The drilling or blasting program will seriously alter this system of fractures. The potential for changing the chemistry, quantity, and direction of flow of water into Mistucky Brook and Long House Creek are serious. Does this also affect the Rondout Aquifer ? Uranium Mines - A known fact that mining for uranium and iron was done on this property and as recently as the late nineteen fifties. We do not yet have the mining sites plotted, but we know of the Standish, Raynor and Warwick mines on this site. Several of these mines are currently filled with water. Some mines are only 50ft deep. Mines in similar geology in the region have been found to have acidic pH levels as low as 2.6 (7.0 is neutral out of a 14.0 scale) In addition, the mines also contain other materials, such as heavy metals and potentially even radium, that could be found dissolved in the mine water. We already know about radon, but other byproducts of uranium include : thorium-230 and the infamous "radon daughters," including lead-210 and polonium-210. Are these mines on a buildable portion of the property ? How deep will the drilling for well water be? If uranium ore is struck what are the ramifications? What emergency plans are in action if uranium is exposed? What public health hazards could there be? Watersheds - Surface water passes through very thin soil cover before it reaches the ground water system with little or no natural filtration or treatment for contaminants. Once within the "pipeline" bedrock, all pollutants are delivered directly to receiving areas, such as your wells, the surrounding wetlands, the Mistucky Brook and the Long House Creek without any further treatment. The proposed 7-lot cluster housing will introduce fertilizers, pesticides, and effluent into this groundwater system. Let me remind you that this is a Class AA stream that the runoff could potentially go into. What protects our wells, Mistucky

Brook, Long Creek and the Brady Rd. Watershed from these contaminants? Has a water study been done? Endangered Species – you mentioned before that a study was done that the landowners did study. I don't think that was an impartial study.

Mr. Astorino: Let me stop you there. You might think that it is not impartial, but our Professionals review their studies.

Christine Kick: Several species on the endangered list and the threatened endangered list have been found in the area. These include: Northern Cricket Frog, Timber Rattlesnake, Copperhead Rattlesnake, Tiger Salamander, Short Eared Owl, Loggerhead Shrike, Indiana Bat, Bog Turtle. Historic and Archaeological Resources - While the mines on the site are not yet documented, (Meaning , we don't know exactly where they lie) they do indeed play a part in our Warwickian history. The Mistucky Brook was named after the Mistucky Indians which eventually moved on and were renamed (by our government) the Minisink. Arrowheads and other Native American artifacts have been found on this property. Remember... in 1918 this was a " well guarded water reserve for the Village of Warwick" (quoted from the July 28th, 1918 deed concerning Fannie Hitchcock's property). Dr. Richard Hull also noted that in this particular area of this property there is unique uranium. It is different uranium that has been found from across Warwick. This is a unique type of uranium. That should also be noted. It is mentioned in Dr. Hull's letter. We are asking the Board as a community to protect us and to make sure that this is safe. What we are asking for is a full Environmental Impact Study (EIS). We are not looking for the long form. We are looking for the full Environmental Impact Study (EIS). We want to make sure that we are all safe from this uranium getting into any of our wells and all of these other issues that I have mentioned.

Mr. McConnell: Have you had your water and grounds properly tested for uranium?

Christine Kick: Yes. We did our house air levels. Those air levels were fine. We have not done our water. The Board asked that we find out how deep are our wells and how many gallons per minute. My well is 450 feet deep. I get 2 g.p.m.

Mr. McConnell: Why haven't you had that tested?

Christine Kick: Because I have not had the time yet. I found out about this the day before our last meeting.

Mr. Astorino: How long have you lived there?

Christine Kick: I have been there 3 years.

Mr. Astorino: Do you live on Buttermilk Falls Road?

Christine Kick: Yes. Our neighbor, the Maydl's well is 100 feet deep. They get sludge during the summer. Ann Hand has a well that is 125 feet deep. She gets sludge. She gets approximately 1.5 gallons per minute.

Mr. Astorino: Do you know if any of these people had their wells tested for uranium?

Christine Kick: What we decided to do at our last community meeting, we are going to hire a company that will test all of our wells. We thought that it might be cheaper if we did it as a group. If this does go through, and if anything is impacted to our wells, we are planning to hold them fully

responsible. We want to have that baseline of where we are now. There are major radon issues in the area. Some of the people in their homes are way over the radon limit.

Mr. Astorino: It seems to be this entire area. We don't want to limit it to this property itself. This area has issues.

Christine Kick: Dr. Richard Hull noted that this was a unique area.

Mr. Astorino: Just my point for sitting up here and listening and reading Dr. Hull's email for the first time, it seems that this property is not the only section on Cascade Road that has this entire band of radon.

Maureen Cuddeback: There was another area that had uranium. They were able to deal with it. But, this a unique thing.

Mr. Astorino: That is something the Board would have to discuss as far as testing. My point as a Board member, it seems prudent at least to the residents around this area that this information is coming out. They might want to test their homes and wells.

Christine Kick: That was what we have decided to do as a community. We are going to test. We are going to do that as a group. We want to get a baseline. We want to see if this will affect us. If we do have high radon levels, we will take care of it. Let us do a study to make sure we are all safe. That is all we are asking.

Mr. Astorino: We are fully aware about the SEQR as Mr. Fink had pointed out earlier. As far as the environmental concerns as far as septic and runoff, everything will be tested and proven that it shall work. We are not just putting septic in hap hazardously. Percs and deeps have to be done. They would have to be witnessed by our Professionals.

Christine Kick: Sure. But, a full EIS would also help determine the uranium and where the nuclide goes into the water. We want to make sure that doesn't happen. Let us just have the study done just to be sure. That way we know we are safe to live in the homes that we built and chose to live in this area. We are not opposed to having new neighbors. We welcome to have new neighbors. We just want to make sure our families are safe.

Mr. Astorino: When you put your well in 3 years ago, since 1918 when this was discovered, there has been a lot of homes constructed on Cascade Road through that time period. I am just trying to get a basis of what is out there and what we have to deal with.

Christine Kick: We are below where the homes will be constructed. Our road is below the ridgeline. Their elevation is approximately 100 feet higher. It is a different plateau than what you are referring to on where this is proposed. The reason why we have a 450-foot well is because we didn't get water. We were actually going to have it fractured where they were going to pressurize our well to create fractures in the rock to see if any of the aquifer would seep into the well. Overnight, it pressurized itself. Then, our well was fine. It shows that in the area that water is an issue. We are just asking that a full EIS be done to make sure that we are all safe.

Mr. Astorino: Is there anyone else wishing to address the Cascade Road subdivision application?

Jerry Ornstein: We are surrounded by this site. We have a 1-acre lot. We live on Cascade Road. I would like to tell you our experience with radon. We have been living there 17 years. The house

was built in 1991. When we first went into contract, we had done a radon test. We received a value of 7. The builder had put perforated pipe under the floor of the basement. We had a collection system put up. He tried to skimp on the job a little. He never put the fan or exhaust in. We were in contract with them. We fought with them. Within 24 hours, he had the whole system set up. He put the vent and everything in. When they test where this was sealed, it came up fine. Recently, we became concern about our water. We have a 230-foot deep well. We have neighbors and friends on Brady Road. Between Brady Road and Cascade Road in the area of the power lines, there are the beginnings of the uranium mine. It is a dug large pit. Our friends on Brady Road were away from their house for a few days. When they came back home, the water in their toilet would be full of bubbles. Since then, they did not test for radon in the water. But, they put in an ion 9" exchange system. I have a background in water and wastewater treatment, which includes the Town of Warwick and Village of Florida. I am familiar with this topic. We noticed this happening also in our house. We were away for a week. The same thing happened with our water. We decided to do a test for radon in the water in our home. We were shocked. This happened about a month ago. It was well above the recommended standards. EPA doesn't have a specific value. There was nobody who said that at this value your health would be endangered. We are still investigating. It was significantly above the norm. We might do another test.

Mr. Astorino: You just did this a month ago.

Jerry Ornstein: Yes. We did this in the summer. The house is 17 years old. I noticed on the plans, there are provisions for either testing or putting in a system. The bubbling system is not expensive. I have checked into it. The cost is about \$5,000.00 or \$6,000.00.

Mr. Astorino: If it is required, the Board is not concerned about the cost.

Jerry Ornstein: Apparently, 17 years ago, this was not an issue.

Mr. Astorino: It has always been there. I think that now, it is becoming known.

Zen Wojcik: The regulations change over time.

Jerry Ornstein: That is all I have to say. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Cascade Road subdivision application?

Mike Rega: I live on Cascade Lake Road. That is on the corner. I am about 700± feet from the old Logging Road. I have two concerns. I was listening to the water and radon issue. That is a concern of mine. I have lived in Warwick 28 years. I know how quirky Warwick is in terms of its water. Where I lived in the past, I had great water. I was going to bottle it and sell it as Warwick spring water. 800 to 1000 feet away from me, I had a neighbor whose well was down 1100 feet. He could not run the washing machine and shower at the same time. How will this affect my two wells? I have one well at 155 feet. My other well is 550 feet down. Combined, they run between 2 and 3 gallons per minute. In the summer, when there is not a lot of rain, I shut off my 155-foot well because it starts getting bad water. How will this affect the aquifer? My biggest concern was they were taking about radon and radon gas in the house. That is not my concern. I have had it tested. I moved into this house 8 years ago. My water at that time for radon level was adequate when it was tested. I don't know what adequate means. My concern is that uranium is water-soluble. When I looked at the plans, it looks like they would be taking down some of those ridges, using some fill, and disturbing the ground. I don't know where that uranium is in that ground.

Would it be disturbed? Would it get into the water? Would it get into the aquifer? If I am in that same aquifer, would it raise the radon in my house?

Mr. Astorino: When you built your house, was it sealed for radon?

Mike Rega: That is the point I am getting at. I am not talking about ground radon gas that comes into the house. Someone from a medical center came out and said the bigger concern about the radon in my house is if I have radon in the water. They said when you take a shower, you would breathe in more radon from your shower than you would from the first-floor of your house over a basement that is not adequate in radon. That is my concern. If it raises the radon level in my water, what is my recourse? Do I have to put a system in? If this happens to me after the fact, will there be a bond around so I could go and get someone? This could become a costly matter to us. The other concern I have, if you take a look at where that parking lot is proposed, I know it is for 3 or 4 cars. The parking lot is about 100 feet long. A 100-foot parking lot could probably park more cars. Where that road is coming out, I don't know if it would be a Private Road or a Village Road. I don't know if it would have a stop sign. The last 3 months, you come down the hill on Cascade, it is a right-hand sweeping turn down, I was woken up about 2:30 a.m. to flashing lights coming into my bedroom. I woke up and saw two tow trucks. I looked and saw a car in the drainage ditch. That is not the first time that had happened. People drive down that road very fast. My concern is a safety hazard.

Mr. Astorino: That is something we look at as far as sight distance.

Mike Rega: Cascade Road is a 40 MPH road. Brady Road is at 35 MPH. You need to control the traffic better on that road. Having new houses coming in, you will have more cars. There will be more traffic. Traffic is an issue. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Cascade Road subdivision application?

Mr. McConnell: I want to ask Zen a question. I don't know anything about the depth at which we find uranium. My impression is that it is not at the surface.

Zen Wojcik: I agree with you. That is also my impression.

Mr. McConnell: What we have just heard about was wells drilled or cores drilled hundreds of feet. Is it your impression of leveling off a mountain of boulders would likely expose uranium? Generally, is it that close to the surface?

Zen Wojcik: The conversation that Dr. Hull had with me...

Mr. McConnell: Do you know what he is a doctor of?

Zen Wojcik: He is a Professor of geology.

Mr. McConnell: His PHD is geology?

Zen Wojcik: He is a Professor at Columbia.

Mr. McConnell: I am interested in what his PHD is.

Zen Wojcik: He is a historian. He is an expert in Africa.

Mr. McConnell: I am merely trying to establish his credentials.

Zen Wojcik: He wasn't reporting on the geology. He was reporting on his knowledge of the history of the site.

Mr. McConnell: In response to Mr. Rega's concern about leveling off something, it seems like that won't expose radioactivity.

Mike Rega: Don't forget, they will be digging foundations. At the last meeting, they said that they did not think they would have to blast.

Mr. Astorino: They would have to give us a blasting permit. We have not had a blasting study on this. I don't even think they have attempted to go that way.

Zen Wojcik: We have had this subject come up on other applications regarding blasting. Blasting for individual house foundations generally is not economically a good idea. It costs a lot of money. There is no reason to do that on this site.

Mike Rega: When I first lived up here, the house across the road on Hedges Road, they had to blast in order to put the foundation in. It is done here. On Black Rock Road, a new house was built. They had to do blasting. Blasting does occur in Warwick. What I am saying is that I don't know where the uranium is. I just want some protection that if something happens to my water, I could go after somebody.

Mr. Astorino: Is there anyone else wishing to address the Cascade Road subdivision application?

Rocco Testa: I live on Buttermilk Falls Road. This property is located in the Mountain Residential zone. What is the lot size for MT zone?

Mr. Astorino: A conventional is 5 acres.

Rocco Testa: Why are there some lots that are only 2 and 2-1/2 acres?

Mr. Astorino: It is a conservation density subdivision.

Rocco Testa: He said that he was going to sell property, the 74 acres. If he sells the 74 acres, then that parcel now becomes its own parcel.

Mr. Astorino: No. It does not. It would be a deed restricted parcel. There will be no further subdivision.

Rocco Testa: But, the parcel that he will be putting the 7 houses on now, is one parcel. That doesn't conform.

Mr. Astorino: If he gets approval for this subdivision, there would be 7 individual lots. The 8th lot would be the open space lot.

Mr. McConnell: He has a number of different options available to him. He could create an HOA of the 7 lots that would own the 8th lot with the appropriate restrictions. Or, he could sell it to something like the conservancy or the Trail Conference. It would have the same restrictions. It is a question of what happens afterwards. He has it for purposes of calculating the conservation density. He has it as a whole now. Once it is approved, then he has a lot that he could sell. It can't be subdivided further. But, for purposes of his calculations, it is considered. How he disposes of it later, whether he deeds it to an HOA or to the Town, it doesn't have any effect on the conservation.

Rocco Testa: If he deeded it to the Town, what financial gain is it for the Town to have? He would be taking the 74 acres off the tax rolls.

Mr. McConnell: In this situation, it is providing a benefit that would be public access and conservation.

Rocco Testa: No disrespect to anybody here on the Board. But, we saw what you did with Cascade Lake. That was taken over. Nothing has been done back there. Guys run rampant with ATV's. There is junk back there. People go back there and drink beer.

Mr. McConnell: This is not the proper forum to discuss that. If you have a concern about that, you should take it up with the Town Board. That is the proper forum.

Mr. Astorino: I am sure the Trail Conference would have guidelines that they would follow as far as having the trail maintained, access, and vandalism. Is there anyone else wishing to address the Cascade Road subdivision?

Debra Young: I don't live on Cascade Lake Road yet. I am working on that. This home use to be my parents home. I am remodeling the home. I took over the house in the year 2003. I tested the basement. Radon blew a 10. The radon in the water is still ok.

Mr. Astorino: Where did you get your baseline for your radon?

Debra Young: I sent it to a recommended testing site in Orange County.

Mr. Astorino: Do they have a guideline for your water?

Debra Young: Yes.

Mr. Astorino: Ok. So, they said your water was all right as of 2003?

Debra Young: Yes. I think there are some important points that I fear are being missed with respect to the parking lot, trails, and to the water with radon. Yes, the whole area has a lot of it up there. Where this site is set, there are 109 acres. There is a ridgeline that feeds all the water down below for the drinking water of the Village. That is something to think about. It is a different geography. I am lower. Most of the people on Buttermilk Falls Road are lower. The project is located at the top. Building foundations and doing clearing, that might not disturb anything. There has been no study about the impact of the impervious groundcover on how it would affect the amount of water going into the watershed.

Mr. Astorino: A SWPPP had been done as far as the stormwater ponds.

Debra Young: But, that is for stormwater.

Mr. Astorino: That is impervious surface. It collects on impervious surfaces.

Debra Young. There are also issues with respect that it was a mining area. I think research would make them do a study to show that there has been mining there. You don't know what would be disturbed and where that water would run. That is a great concern. We are downhill from the water. We want to know how this will impact us. Regarding the parking, I looked at the map. I am a hiker. I am a member of the Trail Conference.

Mr. Astorino: How do their trails look?

Debra Young: They have no enforcement power there. They are a non-profit organization. I don't believe they own properties. They might have changed and started doing that. Usually the nature conservancy or someone else ends up owning it or the Town keeps it. They offer to maintain it with volunteers.

Mr. Astorino: So, the Trail Conference maintains.

Debra Young: They do maintain. They are predominately maintaining. They are only using volunteers. They have way more property than they could maintain. They couldn't even come close to adding significant maintenance to any properties including Cascade Park. The Appalachian Trail does run through there now. They did reroute that and Cascade Park. I would love to have a trail going from my house to the County Park. That would be fabulous. But, I don't think we need a parking lot. They could access it from the County Park, which has a parking lot. If they could find a way in connecting them, that would be good. There is parking on Cascade Park. Here is the problem, between there, you have Cascade Road, and then all private owned properties with houses. There would never be a connection all the way through. Unless, they know some secrets that I don't know.

Mr. Showalter: That was something that was brought up at one of our work sessions that there was not a connection exactly.

Debra Young: I do think that it is essential to look at how and what they are going to do is going to affect us.

Mr. Astorino: When we started, one of the questions we asked the applicant was to get us some correspondence from the Trail Conference.

Debra Young: I know. I heard that.

Mr. Astorino: Those are some of the issues that we would like to have for our own benefit.

Debra Young: I think it would be good to double check on the species. I know what lives in my pond. I know how many bats that landed in my house. They were Indiana Bats. Those are some of the things that need to be revisited.

Mr. Astorino: Is there anyone else wishing to address the Cascade Road subdivision application?

Zen Wojcik: Mr. Chairman, I want to make a point on something that was brought up a few times about the Ridgeline Overlay District. This project is located within the Ridgeline Overlay District. We have notes on the plans that relate to parts of the code about regulations in the Ridgeline Overlay District. There are a number of trees cut for a lot. Trees would have to be replaced, up to 8 trees. The height of the house is also regulated.

Mr. Bollenbach: There are also restrictions on lighting and colors.

Zen Wojcik: Yes.

Charles Kluender: I live on Cascade Lake Road. My lots adjoin this park, which is contiguous. Regarding radon issues, the Building Department, Planning Board, and everybody knows that there is a radon problem in some areas of the Town. It might be time to consider that this testing should be done prior to the issuance of Certificate of Occupancy rather than asking people after they have made this big investment. I had never given any thought to radon prior to moving here. Now, I expect to get some bad news just like my neighbors have.

Mr. Astorino: How long have you been living there?

Charles Kluender: I have been there 5 years.

Mr. Astorino: Have you done any testing?

Charles Kluender: No. Another issue concerning radon that I have read, if you have a lot of radon in the water, the risk estimate was like smoking a pack of cigarettes for each 10-minute shower. I don't know what level that was. This is a real issue of serious concern. I am a member of the NY/NJ Trail Conference. They do not have the resources to police anything. They are not going to be able to chase down the ATV's that run rampant through many of the existing Town's trails. I am not supportive of another parking lot. I do agree that the parking lot will increase the amount of ATV's. There might be many conservation lands that don't have such problems, but this parcel is unique. It is more wooded. It is not an open field. It is difficult to control. The full EIS request rather than a short form, I was told by one of the local environmental consultants in the Village that even on a small 2 or 3 lot subdivision a full EIS could be required. My objection is to the trail. I do believe that it will cause a lot of increased poaching, littering, and ATV's just as Cascade Lake's trail has. I know that there would only be 7 new homes going in. I understand that these houses are going to be 3 times the size of the average house right where I live. The total impact is not so many houses, it will be the total number of occupants, visitors, etc...

Mr. Astorino: I believe they will be 4-bedroom homes.

Charles Kluender: Those number of houses and occupants should also be considered when looking at the total environmental impact of the site. In conclusion, if you don't believe the NY/NJ Trail Conference is presently having a hard time maintaining any of the Town's trails. It is a volunteer organization. Take a walk out to the trails and see what goes on.

Mr. Astorino: John, I have a question about these Land Trust Conferences. I know we had done one on another application. If I recall, negotiation of the land at that time were to pay a fee to the Land Trust to maintain and offset costs.

Mr. Bollenbach: One of the requirements from the O.C. Land Trust, you don't merely donate the property to the Land Trust, you must also pay a Stewardship fee. That fee might be in the neighborhood of \$50,000.00 to \$60,000.00 Dollars.

Mr. Astorino: Ok. Is there anyone else wishing to address the Cascade Road subdivision application?

John Clays: I live on Buttermilk Falls Road. The property backs up to my property on the back and left side. You are proposing to put in a stormwater pond. The drainage is right on the property line. It will come down the mountain. Would there be any bond or guarantee?

Mr. Astorino: With the stormwater facilities, a bond is put into place. They would be inspected properly by our Professionals that they are built according to the plan and designed properly. Zen, maybe you could comment more on the inspections that they are done properly.

Zen Wojcik: There is a bond for inspections of the stormwater facilities during the construction so they are constructed as they are designed right now as we have reviewed it. We have reviewed the applicants engineer's design for the stormwater ponds. They do meet the State's requirements which are for the 10 and 100 year storm. You do not have more runoff coming off the property after construction than you had before construction. Right now, the water that comes off this property after it rains heavily; it comes off as sheet flow. This would be an area that would trap it. We have measures that the applicant has done to that pond to spread out this flow so that it mimics what is happening there right now before construction. The point of it being is that there will not be more water coming out of this site when it is constructed then it is right now.

John Clays: I don't understand that. It will be all filled up in one pool. When it rains, I have pictures that show that it comes down.

Zen Wojcik: If there is a problem there right now, this is not to solve the problem. The regulation is that no more comes off the site after construction than it did before construction. If you had a lot of water coming off before construction, this is not a flood control project. This is a subdivision. The regulation of the State says don't add anymore water. If you have a problem right now, that problem will likely continue.

John Clays: There is no problem right now. I have two brooks that come through my property. One of them is Mistucky Brook and the other is a small brook. Those two brooks meet my pond. That water is going to come down that property at good speed and flood out my area.

Zen Wojcik: All the work will be done on this site. It will not be done on somebody else's property.

John Clays: It is right on the property line. You could see it on the map. The drainage is right on the property line. Any water goes downhill. If you put 7 houses in, you will be draining all the water into one pond. The mountain water doesn't help.

Zen Wojcik: There will be 5 of the houses that will be going into that one pond. The two other houses will be going somewhere else. Yes, it will go to a pond. The reason that there is a pond there is that it slows down the amount of how fast the water would go out. As the regulations state, no more water will leave the site. That is for the 10 year and 100 year storm.

John Clays: Is there a guarantee on that?

Zen Wojcik: The last 100-year storm that I know of that was in this area happened in the year 1995 in the winter. There was flooding everywhere. We had a thaw and a storm. That was the last one.

John Clays: I still have concerns about water runoff. Would there be a guarantee where it would not wreck my property?

Mr. Astorino: The engineer has explained the situation.

Mr. Bollenbach: There is still a question. Is it concentrating the flow in that particular area? Is it becoming a point source or not? That is something we will have to take a look at.

Zen Wojcik: We will take another look at that.

Mr. Clays shows Zen and the Chairman on the map his drainage concerns are where the rip-rap and pipe is located. Mr. Astorino states to Mr. Clays that it is a concern brought up and we will take a look at it.

Mr. Astorino: Is there anyone else wishing to address the Cascade Road subdivision application?

Charles Kluender, Jr.: I live on Buttermilk Falls Road. I have 3 issues that are a concern. The first issue that I have is regarding the parking. The second issue would be water contamination. The third issue would be a question of whether the development at this site is the highest and best possible use. The Town has expressed an interest in keeping the number of curb cuts to a minimum in the interest of preserving the rural and scenic character of our community for passerbies on our roads. The parking area detracts and is in direct conflict with this. The size of the parking space at a minimum is defined in the Zoning Code as a 9x18 feet. We have a 20x100-foot parking area which is not something as it has been indicated for 3 or 4 cars, but possibly up to 10 cars. This is a major parking area. One would question the need for this parking area given the fact that the goal expressly is to create a trail that connects all the parks in the Town. Parking is presently available at Cascade Lake Road and at Hickory Hill. This is an unnecessary replication of services offered elsewhere. It should be noted that creation of new parking space without any increase in the allocation for maintenance of the said parking facilities around the Town, is essentially an unfunded band-aid. There is no need to create additional space that the Town might need to clean up or plow.

Mr. McConnell: This is not to be on Town property. It is on private property.

Charles Kluender, Jr.: It is directly on the shoulder. Where the parking facility is to be constructed off the road that is suggested on the site plan, one could argue that the Town wouldn't be impacted. But, where the parking facility exists on the shoulder of the road, one could argue that the Town would not be able to prevent maintenance of that from falling onto their shoulders. In the event a plow truck goes through there in the winter, would a plow truck somehow selectively not plow a given area when it immediately adjoins the road? The line is too close to draw. The same thing goes on in the summer, when there is littering on the side of the road. This is a large parking area. A 10 car parking area is something significant.

Mr. Astorino: That is something we will look into.

Charles Kluender, Jr.: Secondly, there has been a lot of talk about radioactivity and contamination. I don't have a degree in geology. But, I could offer some insight drawn from logical conclusions as to why we should be concerned? The Chairman had asked why is it that development of this site in particular should be a concern when the remainder of Cascade Road has been developed?

Mr. Astorino: Let me stop you there. That was not my concern. I asked a question if it was isolated to this site and this site only of which I have taken from Dr. Hull's email. That is what I am ascertaining from the residents here this evening, which seems to be a broad area of this radon. It is not that whether we are concerned or not. We all understand that there is radon and uranium out in this area. We know that. It is not just limited to this site. The Board is actively pursuing this at this time. My point being is that it is a broad area. Whether there is higher concentration on this site or not, I cannot answer that at this time.

Charles Kluender, Jr.: Forgive my misunderstanding of your remark. If there is any concern, it may stem from the incidences on this particular property of concentration of uranium in higher levels than found elsewhere. That was the source of the initial commercial interest in this property at one time.

Mr. Astorino: That is where we are at.

Mr. McConnell: Although, I heard that the commercial interest was limited to this property. Again, I think it was sort of widespread.

Charles Kluender, Jr.: Since we know there is an area in question, I think any drilling would come into question on this site because we know so little about the area considered. It does not fall into the Aquifer Protection Overlay map. It is noted on that map as the location for two possible high yield well locations. It should be noted on the map where an aquifer begins and ends.

Mr. Astorino: That is something we review under SEQR. We constantly do that.

Charles Kluender, Jr.: There is a question as to whether development is really the highest and best use, if we take the water resources of this particular site both the water on the site, drainage properties of the site, the filtering that occurs naturally, and the benefits that provides to our community reservoir system. If that was taken into consideration, then that development is the best and highest use of this site.

Mr. Astorino: That is why they are before us now.

Charles Kluender, Jr.: Right.

Mr. Astorino: That is why we have Zoning Laws, Planning Board, ZBA, and a Comprehensive Plan for that issue. That is why they don't have an approval at this time. That is why we are going through the process of ascertaining the information.

Charles Kluender, Jr.: The question would be if there is an approval for any amount of construction to occur at the site, is that still in the best interest versus transferring these development rights to elsewhere in the Town?

Mr. Astorino: That is an option in our code. We cannot force them to do that.

Charles Kluender, Jr.: But, you could provide them with a referral. It is something that could be brought under consideration. It should be noted in the record.

Mr. Astorino: They also have a right to develop their property if it meets a certain criteria. This is under conservation density subdivision regulations. We are just going through the process.

Charles Kluender, Jr.: Right. No one questions that. These things should be brought up. Regarding the Aquifer Protection Overlay, it is critical that an Aquifer Impact Assessment be conducted eventhough the property is not on the overlay map.

Mr. Astorino: Is there anyone else wishing to address the Cascade Road subdivision application?

Rocco Testa: You don't have any type of way to force this property to be developed in other ways. Is that what you said?

Mr. Astorino: By right, they have a right to develop their property. There are Zoning Laws in this Town. We can't say as a Board to them that they have a nice piece of property, but you cannot build on it.

Rocco Testa: You have the right to the community to deny the application.

Mr. Astorino: When did you build your house?

Rocco Testa: I built my house in the year 1987. I have issues with the Planning Board. Don't let me start on that.

Mr. Astorino: The issue is that we have a Zoning Code to abide to. Is there anyone else wishing to address the Cascade Road subdivision application?

Steven Max Droge: I live on Cascade Road. I am downhill of the 2 lots that are to be developed. I have a couple questions. The eastern rattlesnakes love this area. They love the big rocks where they incubate their eggs. I am concerned about test drilling in these dikes. I am nervous about my drinking water in the future. Cascade Road has always been a crazy road that nobody likes to trick or treat on. We all enjoy the mountain rural status of 5 acres. There is a lot shown here of 2.5 acres. I guess the reason for this lot size is that there was a variance.

Mr. Astorino: No. It is a conservation density subdivision.

Mr. Bollenbach: In the Mountain zone, a conventional subdivision requires 5 acres. If you do a conservation density subdivision, you double that amount which would make it 10 acres. However, you must maintain that 10-acre average lot size. Some of them could be smaller than 5-acres. But, on the average they would have to be in excess of 10 acres.

Steven Max Droge: Thank you for clearing that matter up. Nobody has mentioned about the lovely cuddly bears. I want it on the record mentioned that several of us live up on Cascade Road for the wildlife, not so much of our neighbors. Somehow, in the last 2 weeks we pulled ourselves together and met a bunch of each other. I am not a hunter. Those lovely cuddly bears, I think there are bear dens that have been passed down from generations of bears on this property. Eventhough the bears are not protected, I would like to see the bears live in the houses that they have lived in for thousands of years. Thank you.

Mr. McConnell: I have heard that point made in other contexts. All that live here have disturbed some wildlife that historically for thousands of years have lived on the property that we now occupy. We seem to not have a problem with the notion of building. Our houses probably displaced something whether it was rabbits, bears, coyotes, or Native Americans. We seem to not have a problem with that until somebody else wants to develop their property near to us. Now, all of a sudden we are concerned about displacing wildlife. I understand that some of them are protected. There are good and valid reasons for protecting them. But when you have something like a bear to say that this Board should consider the impact on the bears before allowing a subdivision, I would say to you what if we had found that there were bears on your property? Would you feel comfortable abandoning your property to allow the bears to come back and live in the houses that they have lived in for thousands of years?

Steven Max Droge: I understand your viewpoint. That was why bears haven't been brought up so far. Cascade Road and Buttermilk Falls Road are those crazy roads. Our road is 8 miles long. It takes a certain person to live up there. We live way out of the Town. If a tree falls down, I have seen guys jump out the back of their trucks with chainsaws to cut up the tree. We are not going to go 10 miles around. We all live up there because we love the environment. That is the wildlife. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Cascade Road subdivision application on something that we haven't heard? We have been going through quite a bit here. We are not going to keep on being redundant.

Glen Muse: I live on Cascade Road. I owe you the well information that you requested before. I have it for you.

Mr. Astorino: Thank you.

Glen Muse: There are no contours on there. I would say that the bottom of the well is about 180 feet. The whole well is about 205 feet.

Mr. Astorino: Thank you for the information. Is there anyone else wishing to address the Cascade Road subdivision application?

Maureen Cuddeback: Regarding the uranium, there are scientists up by the Military Academy that are doing a study. They have been up there for years. There are major colleges up there. They are able to detect uranium in the soil of a mountain laurel. They are able to pull it up. It is right there in the root. For uranium, it doesn't look like this land was ever surveyed completely. I have no record of a complete survey being done. That was what made me start going into the archives and find Hitchcock's deed. If that was done the way I had to have my land surveyed, then I don't think I would worry so much. It does concern me.

Zen Wojcik: According to the plans, there were two surveys done. One was based on topography that the aerial photograph which was done in April 2004. The other was a field survey that was done on 5/12/04.

Maureen Cuddeback: How much land?

Zen Wojcik: It doesn't say how much land.

Maureen Cuddeback: I know.

Zen Wojcik: What happens with an aerial survey is that you have a ground survey to verify the points afterwards.

Maureen Cuddeback: My brother did that for the military government. I am familiar about the aerial surveys. But, the language is different. When they did discover uranium here, it was done by accident. They found a pile of material that was lying in an old mine property. They stumbled upon this. Uranium from my understanding is also in the air.

Mr. Astorino: Is there anyone else wishing to address the Cascade Road subdivision application?

Christine Kick: Regarding the bears, I am not concerned about displacing the bears. What I am concerned about is that I have small children. I have a 4-year old child and a 6-year old child. I have bears on my property on a daily basis. I chose to live there. That is fine. But, the bear dens that are located on this parcel of land, these bears and cubs will be disturbed. Where would they go? Are they going to be relocated? Is the Board planning some type of plan on where they would be located? If you displace their dens, what would happen to them? Is that going to result in more bears on my property and in my garage with my children considering that property borders my property? It is not just about displacing the animal. It is about endangering the population around it. You are disturbing these dens. My kids play in the backyard. These bears could come down to my backyard. Secondly, regarding the pond, you said that it was going to keep the same amount of flow going down. This is pristine water going into AA Class stream. Now, if runoff is going to be the same, but it will no longer be pristine water. There will be fertilizer going into this water. What else will be going down?

Mr. Astorino: That is the reason for these stormwater management facilities.

Zen Wojcik: It is not just to control water, quantity, but also to control the quality. The quality of water that comes out is not as good as it comes in because yes, there would be salts coming in. It is not going to be a road. People will be driving up there in the wintertime. The State likes to use a lot of salt. People do use fertilizer. That is the byproduct of having civilization as we know it.

Christine Kick: The point is that we have a AA Class stream.

Mr. Astorino: We are fully aware of that. As our Planner had pointed out, it is going through SEQR comments.

Christine Kick: Would a full EIS be done?

Mr. Astorino: We did not do a full EIS. We did a long form EAF. We are going through every step. We are ascertaining all the information on that site. It is not that we don't know there is a AA Class stream located there. We understand that it is there. That is why we are going through the process.

Mr. McConnell: There are trout streams in this Town that run through farmland that run past the car wash that have native populations...

Christine Kick: Are they rated AA?

Mr. McConnell: Yes. Running through agricultural land, we don't have the ability to regulate what pesticides, herbicides, fertilizer, etc... It somehow seems to survive. It is a concern. It is something that we do look at.

Christine Kick: When will the Board make a decision on doing a full EAF?

Mr. Astorino: That would be up to the Board to make that decision. They will look at this information. That would be the Board's decision on whether we would go for a full EIS. Or, we could take a look at the information and discuss it with our Professionals on whether we have enough information at this point whether the Board hears the public's comments this evening would want to require more information. That is the purpose of a public hearing.

Christine Kick: Would you continue to have public hearings until these decisions are made?

Mr. Astorino: We will until the process has ended.

Christine Kick: Ok.

Mr. Astorino: Is there anyone else wishing to address the Cascade Road subdivision application?

Mike Rega: I heard talk about the EIS. Are you considering Brian Orzel who is the project manager for the ACOE for our district? He said that there would be a lengthy requirement where the applicant would get a State Pollution Discharge Elimination System Permit.

Mr. Astorino: That is a SPDES permit.

Zen Wojcik: That is what the SWPPP is.

Mike Rega: Ok. Thank you.

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

Mr. Bollenbach: Does the Board want to adjourn this public hearing to the 1st meeting in November or to the 1st meeting in December?

Mr. Astorino: I would like to discuss some of these issues at a work session. I think some of the Board members would be on the same page as me.

Mr. Bollenbach: Do you want to adjourn it to the 2nd meeting in December?

Mr. Astorino: Yes.

Mr. Showalter makes a motion to adjourn the Cardiac Care Systems, Inc. / Cascade Road subdivision Public Hearing to the December 3, 2008 Planning Board meeting.

Seconded by Mr. McConnell. Motion carried; 3-Ayes.

Mr. Astorino: To the residents, this public hearing has been adjourned to the December 3, 2008 Planning Board meeting. There will be no formal certified mailings notices sent to you. This is your notice.

Mr. McConnell: Share this information with the neighbors that couldn't make it.

PUBLIC HEARING OF Robert and Mary Hoffman

Application for Site Plan Approval for the construction and use of renovations of a single-family dwelling located within "A Designated Protection Area" of Greenwood Lake, situated on tax parcel S 74 B 5 L 7; project located on the eastern side of Lakeshore Road (150 Lakeshore Road) 200 feet north of Anne Court, in the SM zone, of the Town of Warwick, County of Orange, State of New York.

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

Connie Sardo: Mr. Chairman, we have just received the certified mailings for the Hoffman Public Hearing.

Mr. Astorino: Thank you.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. FOR THE RECORD – The applicant performed a septic dye test which was witnessed by the Town Engineer's representative. No dye was observed on the ground or in the lake.
4. Provide an approval block on the plan.
5. On the exterior elevation include the proposed building height as defined by the Town Code.
6. Note on the plan: "Parcel is not within any of the Town of Warwick's Overlay Districts."
7. Pay outstanding review fees.

The following comment submitted by the Conservation Board:

Robert and Mary Hoffman – None submitted.

The following comment submitted by the ARB, dated 10/15/08:

Robert and Mary Hoffman – We would like to see architectural drawings conforming to the revised site plan, and executed to the level of the plans for the Petersen application.

Comment #1: Board to discuss SEQR.

Mr. Fink: The Planning Board has declared Lead Agency on this application. It is an Unlisted Action. The SEQR issue that we looked at was the issue of visibility. The applicant had provided us with photographs of the site. We also have letters from neighbors stating that they have no objections to the renovations. Last year, a septic tank was installed under a permit from the Town. A dye test was conducted and witnessed by the Town Engineer. There was no evidence of any dye. Those were the only SEQR issues related to this application that has already been addressed.

Comment #2: Applicant to discuss project.

Bob Krahulik: This project involves the raising of the existing roof on the building. There is a 2nd floor presently. The ceiling height is just under 6 feet. The ceiling is going up. We are not expanding outside the existing footprint of the building. I think Ted had summarized everything else about the project.

Comment #3: FOR THE RECORD – The applicant performed a septic dye test which was witnessed by the Town Engineer’s representative. No dye was observed on the ground or in the lake.

Comment #4: Provide an approval block on the plan.

Bob Hoffman: Yes.

Comment #5: On the exterior elevation, include the proposed building height as defined by the Town Code.

Bob Hoffman: That was done.

Comment #6: Note on the plan: “Parcel is not within any of the Town of Warwick’s Overlay Districts.”

Bob Hoffman: That is noted on the plan.

Comment #7: Pay outstanding review fees.

Bob Hoffman: Yes.

Connie Sardo: Mr. Chairman, we have a comment from the ARB, dated 10/15/08 regarding the architectural drawings.

Mr. Astorino: You do have architectural drawings. Is that correct?

Bob Krahulik: We do. Page 3 of our submission shows some architectural detail. We had also submit some photographs of the existing house. The architectural style of the house is not going to change. Perhaps, we could revisit that issue after we close the public hearing. If there are no neighbors here who have concern, then perhaps the details that we provided would be adequate.

Bob Hoffman: I have photos that show the elevations of the back of the house on the lake. That picture is existing. That elevation is not changing.

Mr. Astorino: Is everybody ok with that?

Mr. McConnell: Yes. I didn’t know what they meant by that.

Mr. Astorino: Yes. I didn’t know either. It seems pretty clear on the plans, but I am not an architect.

Bob Hoffman: This is staying exactly the same. The details are the same on the rear elevations.

Mr. Astorino: Ok. Do any Board members or Professionals have any comments? This is a public hearing, if there is anyone in the audience wishing to address the Robert and Mary Hoffman site plan application, please rise and state your name for the record. Let the record show no public comment.

Mr. McConnell: Did we receive any comments from the Conservation Board?

Connie Sardo: No. I did not receive anything from the Conservation Board.

Zen Wojcik: We received an email from Bill Olsen stating that he did not have a set of plans. I spoke to Mr. Hoffman the other day. He dropped off a set of plans.

Connie Sardo: Bill Olsen did receive a set of plans. He was fine with them. He is from the Greenwood Lake Commission. He was ok.

Mr. Astorino: Ok.

Mr. Kowal makes a motion for the Negative Declaration.

Seconded by Mr. McConnell. The following Resolution was carried 4-Ayes.

617.12(b)

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

Name of Action: Hoffman Residence Renovations Site Plan

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed single family residence renovation adjacent to 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 7/14/08, 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; 4-Ayes.

Mr. Showalter makes a motion on the Robert and Mary Hoffman application, granting Site Plan Approval for the construction and use of renovations of a single-family dwelling located within "A Designated Protection Area" of Greenwood Lake, situated on tax parcel S 74 B 5 L 7; project located on the eastern side of Lakeshore Road (150 Lakeshore Road) 200 feet north of Anne Court, in the SM zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration adopted on October 15, 2008, subject to the following conditions:

1. Provide an approval block on the plan.
2. On the exterior elevation, include the proposed building height as defined by the Town Code.
3. Note on the plan: "Parcel is not within any of the Town of Warwick's Overlay Districts."
4. Pay Outstanding Review Fees.

Seconded by Mr. Kowal. Motion carried; 4-Ayes.

Bob Krahulik: Thank you.

Bob Hoffman: Thank you.

Other Considerations:

1. **Wheeler Road Estates** – Letter from P&P, dated 9/30/08 addressed to the Planning Board in regards to Wheeler Road Estates Subdivision requesting a 6th 6-Month Extension on Preliminary Approval of a proposed 31-Lot subdivision, SBL # 44-2-44.223. Preliminary Approval was granted on, 11/2/05. *At this time, the applicant's attorney is drafting up the necessary paperwork for the formation of a Drainage District for this project.* The 6th 6-Month Extension becomes effective on, 11/2/08.

Representing the applicant: John Cappello, Attorney.

John Cappello: I am the attorney for the applicant. We are presently working on the formation of the Drainage District. We are here. We haven't forgotten about it. We will be proceeding. I understand that we have asked for a lot of extensions. We are out of the OCHD. I spoke to John Petroccione, he has the paperwork and reports for the Drainage District. I will get to that with this one more 6-month extension. We should be back in for final approval well within that period.

Mr. McConnell: When did you come out of the OCHD?

John Cappello: We have been out for a while. I don't have the exact date. With this market problem, people haven't been scurrying to get their approval. We understand that this isn't the time right now. I am not going to come here and give you bull. But, we are out of Health Department. We will be ready to move forward soon.

Mr. Astorino: Do any other Board members have any comments?

Mr. Showalter: That sounds like reason enough.

Mr. Astorino: I think the issue with the economy has put a hurt on many of these projects.

Mr. Showalter makes a motion on the Wheeler Road Estates application, granting a 6th 6-Month Extension on Preliminary Approval of a proposed 31-Lot subdivision, SBL # 44-2-44.223. Preliminary Approval was granted on, 11/2/05. The 6th 6-Month Extension becomes effective on, 11/2/08.

Seconded by Mr. Kowal. Motion carried; 4-Ayes.

Mr. Bollenbach: John, is this the application that the Florida Little League was interested in?

John Cappello: Yes. This goes back to the year 2005. We haven't heard anything since.

Mr. Bollenbach: It has been a while. Maybe, you could touch base with them again. If I hear anything, I will let you know.

Mr. Showalter: John, is the Little League still interested in it?

Mr. Bollenbach: I don't know.

Mr. Astorino: That last I heard was that they were still interested in it.

John Cappello: When we contacted them, whoever was in charge at that point was not sure on how this would be handled.

Mr. Bollenbach: I think their need has somewhat increased.

Mr. Astorino: You will need to check on that. I am almost positive that there is still an interest there.

John Cappello: Ok.

2. Planning Board Minutes of 10/1/08 – PB Minutes of 10/1/08 for PB Approval.

Mr. McConnell makes a motion to approve the October 1, 2008 Planning Board minutes.

Seconded by Mr. Kowal. Motion carried; 3-Ayes and 1-Abstained (Mr. Showalter).

Correspondences:

1. Erosion & Sediment Control Construction Activity 4-Hour Course to be held on Wed., 10/29/08 8:30 a.m. to 3:00 p.m. at the Putnam National Golf Club. If any PB members or Professionals want to go need to Pre-Register by 10/20/08. Please let Connie know by Friday, 10/17/08.

2. The Resolution of Environmental Interest and Disputes to be held on Monday, 11/10/08 9 a.m. to 4:30 p.m. at the Pace University of Law. If any PB members or Professionals are interested in going, please let Connie know by 11/3/08.

Mr. Astorino: The correspondences are 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. Let the record show no public comment.

Mr. Kowal makes a motion to adjourn the October 15, 2008 Planning Board meeting.

Seconded by Mr. McConnell. Motion carried; 4-Ayes.