

TOWN OF WARWICK PLANNING BOARD

November 3, 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, November 3, 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.

Review of Submitted Maps:

Verizon Wireless / 15 Pysners Peak – Bellvale

Application for Site Plan Approval for the construction and use of an Unmanned wireless communications facility to install and operate its equipment by co-locating (12) additional antennas at centerline height of 195'± on an existing 223'± telecommunications tower and proposes to install a pre-fabricated 12'x30' accessory shelter at the base of the tower and within the existing secure, fenced compound, as well as appurtenant cabling and utilities, situated on tax parcel S 58 B 1 L 18.22; project located on the eastern side of Pysners Peak 690± feet north of State Highway 17A (15 Pysners Peak), in the MT zone, of the Town of Warwick.

Representing the applicant: Clifford Rohde, Cooper & Savage Law Office. Michael Orchard, Tectonic Engineering

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 11/01/10 letter - No comments.
4. Architectural Review Board comments: 10/27/10 email - No comments.
5. Wireless Telecommunication Facility Board comments: pending
6. OCPD: pending
7. §164-82A does not apply because it is not a new technology; it is an updated technology. §164-82B does apply because new equipment (12-ft x 30-ft cabinet) is being added; according to the code, this means that the application will require a special use permit by submitted by the tower owner (Chill Cellular?, ACC Tower Sub?, Global Tower Partners?). §164-86 requires that the special use permit for any wireless telecommunication facility shall be valid for five years – then the facility shall be removed or the special use permit renewed. Building Department records show that the

Special Use Permit for this tower has expired and needs to be renewed by the Tower Owner.

8. The Applicant should provide letter of consent from the owner of the Tower stating that the applicant has the legal right to install and use the facility mount. (Pending Planning Board Attorney review.)
9. Is project site within 500-ft of an active farming operation? Ag Data Statement says no; property is within 300-ft of a property owned by Bellevale Farms.
10. The declaration information for the Agricultural Notes for projects within 2000-ft of an agriculturally zoned district or within the agricultural protection overlay district will need to be shown on the drawing.
11. To accompany the RF analysis, a table listing the addresses of all existing and proposed Verizon sites in the search area is requested. The type of wireless facility (in terms of co-location on an existing tower; co-location on another existing structure; new tower) and proposed antenna height should be provided for all proposed Verizon facilities. The type of wireless facility (tower; other existing structure) and antenna height should be listed for all existing Verizon sites.
12. It is understood that final colors and textures of all proposed Verizon equipment (including but not limited to, panel antennas; coaxial cables that connect the panel antennas to the ground-based equipment; the equipment shelter; cable bridge; and GPS antenna) shall be based on final Town input. It is recommended that the panel antennas be painted to match the existing panel antennas and/or the color of the lattice tower, and the coaxial cables be painted to match the lattice tower.
13. Any proposed modifications to the Verizon facility (if constructed) will require the appropriate notification, consent, and approvals of the Town of Warwick prior to implementation. It is recommended that the RF calculations be revised and reviewed for any future proposal to alter the Verizon antenna configuration at the site.
14. If issued, it is recommended that the Special Use Permit for the Owner of the Tower include appropriate provisions for maintaining facility compliance with all applicable codes; upkeep of the equipment (including all visible components of the facility: antennas, antenna mounts); and abandonment/decommissioning of unused equipment if necessary in the future.
15. The application states that there are currently no easements on the property. This Application proposes an easement to benefit Lessee over a 30-ft wide access and utility easement. Does Lessee specifically refer to Verizon or does it refer to any future collocation?
16. Lighting on Sheet C-5. Additional information is required as per §164-43.4. Information required includes fixture wattage (§164-43.4C(1)(a), catalog cuts (§164-43.4C(1)(b), shielding (§164-43.4C(3), and time controls (§164-43.4C(7). It is suggested that the lighting fixture be installed with a motion sensor, to avoid the unnecessary lighting of an un-manned facility.
17. The emergency signage plan that will be posted must be in compliance with §164-43.1. A note should be added to Sheet 1.
18. The proposed equipment shelter is required to be architecturally compatible to existing structures and camouflaged by year-round landscaping in accordance with §164-79A(4)(b) and (c). Does the Planning Board feel that additional screening is required?
19. §164-78A(1) and (4) requires camouflage for the proposed antenna and accessory equipment shelter. It is unclear what the Applicant is proposing for camouflage.
20. The Applicant should provide a color sample of the equipment structure (must be less than 60% reflectivity).
21. The areas of proposed disturbance should be shown on the site plan, including any proposed soil erosion control measures.

- 22. The stabilization of the disturbed areas should be shown on the site plan, including details for the stabilization measures (e.g., grassed and gravel areas).
- 23. Proper documentation will be required for the proposed Lessee access and utility easement and the Verizon easement for the accessory equipment shelter.
- 24. Surveyor to certify that iron rods have been set at all property corners.
- 25. Payment of all fees.
- 26. A building department permit will be required after planning board approval and prior to construction.

The following comment submitted by the Conservation Board, dated 11/3/10:

Verizon Wireless/15 Pysners Peak – Bellvale – The CB has no comments.

The following comment submitted by the ARB, dated 11/3/10:

Verizon Wireless/15 Pysners Peak – Bellvale – The ARB has no comments.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The applicant has submitted a short EAF. It is an Unlisted Action. There are no other involved agencies. The Planning Board could go ahead and declare itself Lead Agency tonight. Then, the Planning Board could start reviewing the second part of the EAF.

Mr. Showalter makes a motion for Lead Agency.

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

617.6

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

Name of Action: Verizon Wireless Pysners Peak Tower Additions

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan application by Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless for a ± 460 square foot portion of a 5.10 acre parcel of land located at 15 Pysners Peak, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 09/08/2010 was submitted at the time of application, and

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

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

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

Now Therefore Be It Resolved, that the Planning Board hereby declares itself Lead Agency for the review of this action.

Be It Further Resolved, that a Determination of Significance will be made at such time as all information has been received by the Planning Board to enable it to determine whether the action will or will not have a significant effect on the environment.

Mr. McConnell: I thought this was a 12'x30' cabinet which would be 360 square feet. This recites a 460 square foot cabinet.

Laura Barca: The 460 square feet is the limits of disturbance.

Mr. Fink: The 460 square foot portion of a 5.10-acre parcel is what they are talking about with the limits of disturbance, which is confined to a small area of the parcel.

Mr. McConnell: On the other hand, if there is going to be an equipment cabinet that is 460 square feet, it would seem to come within the Resolution of Lead Agency. Are you saying it is just the limits of disturbance?

Mr. Fink: Yes.

Mr. Showalter: The equipment cabinet is a 12'x30'. Then, there would be a little pad built around it.

Mr. McConnell: Ok.

Comment #2: Applicant to discuss project.

Clifford Rohde: This project consists of a co-location on an existing tower. Verizon Wireless has identified a network need for a facility in this area. There is a coverage gap that we are experiencing. Verizon Wireless operates in 3 different frequency ranges. This is primarily serving the 850 MHz range. We would also be providing additional capacity in the 1900 MHz range as well as 700 MHz range, which is what we call LTE, but what is known in the industry as 4G which is where the carriers are able to provide the advance services over the wireless broad bands. Having identified that need, Verizon Wireless determines that there is a general area where a site needs to be located. It is

called a search area or a search range. At that time, the radio frequency team from Verizon Wireless turns it over to the site acquisition team. Mike Orchard in this case goes out and looks for a place where we could site a facility. In this instance, we found an existing tower which is generally viewed within the industry and the Town of Warwick as advantageous to co-locating our facilities on the existing structure. That means we don't have to go out and build a new tower. The Town prefers that we minimize the number of towers. There is space available on this existing tower and on the ground. The tower itself is 223'±. We propose to put our equipment at center line height at 195'. There would be 12 panel antennas. There are already antennas on the tower. Our 12 antennas would be 3 sets of 4 antennas on each one. The cabling would run down the tower into an equipment shelter where our networking equipment is housed. That is a 360 square-foot shelter. There is a little pad in the front where you could open the doors to the shelter and a little easement area around the equipment shelter. That is why it comes to 460 s.f. We view this as a site plan only application as per your Zoning Code. It is §164-77A(1), which says the co-locations where there is no increase in the tower's height would be site plan only. We view this as an absolute win-win because your Town Code requires co-location. It is easier to co-locate. That is why we are here before the Planning Board tonight. We are here to hopefully get approval to put our equipment up and improve our services in the Town.

Comment #3: Conservation Board comments: 11/01/10 letter - No comments.

Comment #4: Architectural Review Board comments: 10/27/10 email - No comments.

Comment #5: Wireless Telecommunication Facility Board comments: pending

Comment #6: OCPD: pending

Comment #7: §164-82A does not apply because it is not a new technology; it is an updated technology. §164-82B does apply because new equipment (12-ft x 30-ft cabinet) is being added; according to the code, this means that the application will require a special use permit by submitted by the tower owner (Chill Cellular?, ACC Tower Sub?, Global Tower Partners?). §164-86 requires that the special use permit for any wireless telecommunication facility shall be valid for five years – then the facility shall be removed or the special use permit renewed. Building Department records show that the Special Use Permit for this tower has expired and needs to be renewed by the Tower Owner.

Mr. Astorino: I guess we are not sure which one it is.

Laura Barca: It is Chill Cellular.

Mr. Astorino: Ok. The cabinet throws it to the special use permit. Is that correct?

Laura Barca: No. The special use permit is required by the Tower owner which is Chill Cellular which is owned by Global Tower. Verizon is not required to do a special use permit. Verizon is only required to do a site plan. We have been in contact with Global Tower for the special use permit.

Mr. Astorino: Are they aware of it?

Laura Barca: Yes. They said we should expect something from them within the next week or so.

Mr. Astorino: Ok.

Comment #8: The Applicant should provide letter of consent from the owner of the Tower stating that the applicant has the legal right to install and use the facility mount. (Pending Planning Board Attorney review.).

Clifford Rohde: We submitted the information.

Mr. Bollenbach: I haven't seen it yet.

Clifford Rohde: It is in Tab 1 in the packet we submitted.

Comment #9: Is project site within 500-ft of an active farming operation? Ag Data Statement says no; property is within 300-ft of a property owned by Bellevale Farms.

Mr. Astorino: Then, it is.

Mr. Singer: I don't think it is an active farming operation. I think it is across the street from the ice cream stand.

Mr. Bollenbach: Which is part of the same farming operation.

Mr. Astorino: It is still part of Bellvale Farms.

Comment #10: The declaration information for the Agricultural Notes for projects within 2000-ft of an agriculturally zoned district or within the agricultural protection overlay district will need to be shown on the drawing.

Clifford Rohde: Will do.

Comment #11: To accompany the RF analysis, a table listing the addresses of all existing and proposed Verizon sites in the search area is requested. The type of wireless facility (in terms of co-location on an existing tower; co-location on another existing structure; new tower) and proposed antenna height should be provided for all proposed Verizon facilities. The type of wireless facility (tower; other existing structure) and antenna height should be listed for all existing Verizon sites.

Clifford Rohde: We will provide that.

Comment #12: It is understood that final colors and textures of all proposed Verizon equipment (including but not limited to, panel antennas; coaxial cables that connect the panel antennas to the ground-based equipment; the equipment shelter; cable bridge; and GPS antenna) shall be based on final Town input. It is recommended that the panel antennas be painted to match the existing panel antennas and/or the color of the lattice tower, and the coaxial cables be painted to match the lattice tower.

Clifford Rohde: No problem.

Comment #13: Any proposed modifications to the Verizon facility (if constructed) will require the appropriate notification, consent, and approvals of the Town of Warwick prior to implementation. It is recommended that the RF calculations be revised and reviewed for any future proposal to alter the Verizon antenna configuration at the site.

Clifford Rohde: Ok.

Comment #14: If issued, it is recommended that the Special Use Permit for the Owner of the Tower include appropriate provisions for maintaining facility compliance with all applicable codes; upkeep of the equipment (including all visible components of the facility: antennas, antenna mounts); and abandonment/decommissioning of unused equipment if necessary in the future.

Clifford Rohde: That is for the Tower owner.

Laura Barca: Right.

Comment #15: The application states that there are currently no easements on the property. This Application proposes an easement to benefit Lessee over a 30-ft wide access and utility easement. Does Lessee specifically refer to Verizon or does it refer to any future collocation?

Clifford Rohde: That would be a non-exclusive Verizon Wireless easement. There is an existing access drive right there. It is just guaranteeing that we have access to the facility.

Laura Barca: At one point, in one place, it says that it is a Verizon easement. In another place it says that it is the Lessee easement.

Clifford Rohde: That is us. We are the Lessee.

Laura Barca: Right. So, that easement is totally for Verizon's use.

Clifford Rohde: It is a non-exclusive. It is for us. It doesn't prevent anyone else from gaining the access.

Laura Barca: So, right now it is Verizon's easement.

Clifford Rohde: It is meant to guarantee that Verizon Wireless has access, but not at the expense of anybody else. It is just guaranteeing that Verizon has the access and we are the Lessee.

Laura Barca: Ok.

Comment #16: Lighting on Sheet C-5. Additional information is required as per §164-43.4. Information required includes fixture wattage (§164-43.4C(1)(a), catalog cuts (§164-43.4C(1)(b), shielding (§164-43.4C(3), and time controls (§164-43.4C(7). It is suggested that the lighting fixture be installed with a motion sensor, to avoid the unnecessary lighting of an un-manned facility.

Clifford Rohde: They are installed with a motion sensor. We will get you the specifications on that.

Comment #17: The emergency signage plan that will be posted must be in compliance with §164-43.1. A note should be added to Sheet 1.

Clifford Rohde: No problem.

Comment #18: The proposed equipment shelter is required to be architecturally compatible to existing structures and camouflaged by year-round landscaping in accordance with §164-79A(4)(b) and (c). Does the Planning Board feel that additional screening is required?

Mr. Astorino: How does the Board feel? I think it is fine.

Mr. McConnell: It is adequate.

Comment #19: §164-78A(1) and (4) requires camouflage for the proposed antenna and accessory equipment shelter. It is unclear what the Applicant is proposing for camouflage.

Clifford Rohde: For the antennas there is nothing. There is no camouflage on that tower right now. They would be antennas in keeping with the facility as it currently exists.

Mr. Astorino: They would be similar to what is there.

Clifford Rohde: Yes.

Comment #20: The Applicant should provide a color sample of the equipment structure (must be less than 60% reflectivity).

Clifford Rohde: Ok. I could bring it next time.

Comment #21: The areas of proposed disturbance should be shown on the site plan, including any proposed soil erosion control measures.

Clifford Rohde: I believe the areas of proposed disturbance is shown. I don't know if there is any soil erosion out beyond there. It is just a concrete slab going on top of the ground.

Mr. Astorino: You won't be doing any digging to put the concrete in? Are you just going to be lying it on top of the ground?

Clifford Rohde: I don't know.

Mr. Astorino: You will be doing some earthwork there. You will need to put soil erosion control measures in.

Clifford Rohde: Ok.

Comment #22: The stabilization of the disturbed areas should be shown on the site plan, including details for the stabilization measures (e.g., grassed and gravel areas).

Clifford Rohde: We will look at that.

Comment #23: Proper documentation will be required for the proposed Lessee access and utility easement and the Verizon easement for the accessory equipment shelter.

Mr. Astorino: It is in the Lease. John, will you review that?

Mr. Bollenbach: Yes.

Comment #24: Surveyor to certify that iron rods have been set at all property corners.

Laura Barca: Since this is a site plan, is the Board willing to waive that requirement? What does the Board normally do?

Mr. Astorino: We could strike comment #24.

Comment #25: Payment of all fees.

Clifford Rohde: Ok.

Comment #26: A building department permit will be required after planning board approval and prior to construction.

Clifford Rohde: Ok.

Mr. Astorino: There are a few other things you have to get. We will see you back.

Clifford Rohde: Ok. Thank you.

McFarland Subdivision #3

Application for Sketch Plat Review of a proposed 4-Lot (**MAJOR**) subdivision, situated on tax parcel S 54 B 1 L 4; parcel located on the northern side of State Highway 17A 300± east of Forester Avenue, in the SM zone, of the Town of Warwick.

Representing the applicant: Karen Emmerich, Lehman & Getz Engineering.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: 11/01/10 letter - close attention to potential archeological concerns
4. Architectural Review Board comments: 11/27/10 email - no comments
5. OCPD: pending
6. Leyland Alliance (current owner of McFarland Drive): Driveway Access for Lot 1
7. Village of Warwick:
 - a. Location of water main easement from Well #3 to microfiltration treatment facility
(**Attachment 1**)
 - b. Driveway Access for Lot 1 on Future Village Road
 - c. Easement for 24" pipe from Well #3 to Homestead Village, if not already in place
(**Attachment 2**)
 - d. Easement for 6" pipe from Well #3 that parallels Route 17A, if not already in place
(**Attachment 2**)
 - e. Is culvert for stream on Lot 1 completely within the right-of-way and is there enough room to conduct maintenance of culvert or is an easement needed?
8. There is a small portion of Lot 2 (near Route 17A) that is in the Village of Warwick. Need Village coordination?
9. NYS DOT: Driveway entrance permit for Lot 2 to Route 17A.
10. The lot line change between this McFarland property and the Methodist Episcopal Church of Warwick has not been formally presented to the Planning Board.
11. Additional survey, topography, and physical feature information is needed north of the proposed subdivision (e.g., edge pavement, sidewalk, drainage features, utilities, driveway location, etc.).
12. The drawing should prominently state the following note: Lots 3 and 4 are not for building purposes at this time. Planning Board approval will be required, including (but not limited) to soil test witnessing, wetland and stream investigations, biodiversity compliance with the Town Code even if only one home is constructed on each lot. If these lots are to be used for agricultural purposes at this time, this should also be noted.
13. The lot width of Lot 2 does not meet the bulk requirement; this would require either a planning board waiver or a ZBA variance.
14. Sketch Plan Checklist #9 – tree lines and stone walls (if any) do not appear to be shown on the drawing.
15. Sketch Plan Checklist #10, 14 – topography has not been shown on the drawing but the data are being collected.
16. Sketch Plan Checklist #11 – wetlands, floodplains, water courses, etc. have only been shown on the two proposed building lots. There are NYSDEC wetlands and two B classified streams located on Lots 3 and 4 that need to be shown.

17. The drawing shows a stream on Lot 1 near McFarland Drive; does this stream continuously flow from the pond?
18. Sketch Plan Checklist #17 – buildable areas per §137-21A will be shown when the topography is available.
19. Sketch Plan Checklist #19 – sight distances are to be shown on the drawing.
20. Sketch Plan Checklist #20 – area of disturbance will need to be added to the plan when it has been calculated.
21. There is an existing fence line on Lots 1 and 2; at what time and who will be responsible for the removal of this fence line?
22. There is an existing culvert extending from the pond on Lot 2 onto Lot 3 – should an easement be granted for Lot 2 onto Lot 3 for any future maintenance?
23. Does the pond require any maintenance that will have to be shared between Lots 1 and 2? Should any agreement be put in place now?
24. There is a drainage corridor of sorts that travels from Route 17A to McFarland Drive. These drainage features must remain in a free-flowing manner. The planning board should discuss if an overall maintenance easement and/or agreement should be in place for Lots 1, 2, and 3.
25. The separation distances between wells and septic systems can not be determined until the topography and other physical features (e.g. streams, wetlands, floodplains, etc) have been shown.
26. The declaration information for the Agricultural and Aquifer Notes will need to be shown on the drawing.
27. Surveyor to certify that iron rods have been set at all property corners.
28. Payment of all fees.

The following comment submitted by the Conservation Board, dated 11/3/10:

McFarland Subdivision #3 – The CB believes that careful attention should be given to potential archeological issues during the SEQRA process.

The following comment submitted by the ARB, dated 11/3/10:

McFarland Subdivision #3 – The ARB has no comments.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The applicant has submitted a short EAF. It is an Unlisted Action. There are other agencies involved. Due to the nature of their involvement the Village of Warwick Board, especially because of the easement through the property as well as the donut whole over there, I think it would be appropriate to do a coordinated review. This way we could solicit any comments from the Village of Warwick. Also, the DOT would be an involved agency. I have prepared a Resolution Establishing Intent to be Lead Agency. If the three Involved Agencies do not respond back to us within “30” days, then we could move ahead with the project.

Mr. McConnell makes a motion for Establishing Intent to be Lead Agency.

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

617.6
State Environmental Quality Review (SEQR)
Resolution Establishing Intent to be Lead Agency
Unlisted Action Undergoing Coordinated Review

Name of Action: McFarland Subdivision

Whereas, the Town of Warwick Planning Board is in receipt of a Subdivision application by Warren C. & Donald R. McFarland for a ± 137 acre parcel of land located at State Highway 17A and McFarland Drive, Town of Warwick, Orange County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated 10/04/2010 was submitted at the time of application; and

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

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

Whereas, after examining the EAF, the Planning Board has determined that there are other involved and/or federal agencies on this matter including the Village of Warwick Board of Trustees, Village of Warwick Planning Board and New York State Department of Transportation.

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

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

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

Comment #2: Applicant to discuss project.

Karen Emmerich: We have a 137-acre parcel that belongs to the McFarland family. It is bounded on the southern border of Route 17A on the north end of McFarland Drive along with Homestead Village on the east side and the Methodist Church on the west side. The applicants propose to divide the property into 4 parcels. There will be 2 building lots and 2 agricultural properties that would be held by the family.

Comment #3: Conservation Board comments: 11/01/10 letter - close attention to potential archeological concerns

Comment #4: Architectural Review Board comments: 11/27/10 email - no comments

Comment #5: OCPD: pending

Mr. Astorino: Karen, did you go through these comments?

Karen Emmerich: Yes.

Mr. Astorino: I don't know if there are any comments that you want to bring out. I know we will be receiving comments from the Village of Warwick because the wells are on this site.

Karen Emmerich: We are in the process of having the easements marked out right now.

Mr. Astorino: Karen, are there any comments that stand out that you want to go over? Does the Board members or Professionals want to go over any of these comments or we could list them for the record? We could wait until we hear back from any of these other agencies.

Karen Emmerich: That will be fine. Most of the comments revolve around the survey, which we are in the process of doing. We have limited information. We have done soil tests. The results of those tests were very good.

Mr. Astorino: Ok. We will list comments 6 through 28 for the record. We will see you back.

Karen Emmerich: Ok. Thank you.

Comment #6: Leyland Alliance (current owner of McFarland Drive): Driveway Access for Lot 1

Comment #7: Village of Warwick:

a. Location of water main easement from Well #3 to microfiltration treatment facility

(Attachment 1)

b. Driveway Access for Lot 1 on Future Village Road

c. Easement for 24" pipe from Well #3 to Homestead Village, if not already in place

(Attachment 2)

d. Easement for 6" pipe from Well #3 that parallels Route 17A, if not already in place

(Attachment 2)

e. Is culvert for stream on Lot 1 completely within the right-of-way and is there enough room to conduct maintenance of culvert or is an easement needed?

Comment #8: There is a small portion of Lot 2 (near Route 17A) that is in the Village of Warwick. Need Village coordination?

Comment #9: NYSDOT: Driveway entrance permit for Lot 2 to Route 17A.

Comment #10: The lot line change between this McFarland property and the Methodist Episcopal Church of Warwick has not been formally presented to the Planning Board.

Comment #11: Additional survey, topography, and physical feature information is needed north of the proposed subdivision (e.g., edge pavement, sidewalk, drainage features, utilities, driveway location, etc.).

Comment #12: The drawing should prominently state the following note: Lots 3 and 4 are not for building purposes at this time. Planning Board approval will be required, including (but not limited) to soil test witnessing, wetland and stream investigations, biodiversity compliance with the Town Code even if only one home is constructed on each lot. If these lots are to be used for agricultural purposes at this time, this should also be noted.

Comment #13: The lot width of Lot 2 does not meet the bulk requirement; this would require either a planning board waiver or a ZBA variance.

Comment #14: Sketch Plan Checklist #9 – tree lines and stone walls (if any) do not appear to be shown on the drawing.

Comment #15: Sketch Plan Checklist #10, 14 – topography has not been shown on the drawing but the data are being collected.

Comment #16: Sketch Plan Checklist #11 – wetlands, floodplains, water courses, etc. have only been shown on the two proposed building lots. There are NYSDEC wetlands and two B classified streams located on Lots 3 and 4 that need to be shown.

Comment #17: The drawing shows a stream on Lot 1 near McFarland Drive; does this stream continuously flow from the pond?

Comment #18: Sketch Plan Checklist #17 – buildable areas per §137-21A will be shown when the topography is available.

Comment #19: Sketch Plan Checklist #19 – sight distances are to be shown on the drawing.

Comment #20: Sketch Plan Checklist #20 – area of disturbance will need to be added to the plan when it has been calculated.

Comment #21: There is an existing fence line on Lots 1 and 2; at what time and who will be responsible for the removal of this fence line?

Comment #22: There is an existing culvert extending from the pond on Lot 2 onto Lot 3 – should an easement be granted for Lot 2 onto Lot 3 for any future maintenance?

Comment #23: Does the pond require any maintenance that will have to be shared between Lots 1 and 2? Should any agreement be put in place now?

Comment #24: There is a drainage corridor of sorts that travels from Route 17A to McFarland Drive. These drainage features must remain in a free-flowing manner. The planning board should discuss if an overall maintenance easement and/or agreement should be in place for Lots 1, 2, and 3.

Comment #25: The separation distances between wells and septic systems can not be determined until the topography and other physical features (e.g. streams, wetlands, floodplains, etc) have been shown.

Comment #26: The declaration information for the Agricultural and Aquifer Notes will need to be shown on the drawing.

Comment #27: Surveyor to certify that iron rods have been set at all property corners.

Comment #28: Payment of all fees.

Other Considerations:

- 1. Marco Giovannoli Subdivision** – Letter from Dave Getz, Lehman & Getz Engineering, dated 11/1/10 addressed to the Planning Board in regards to the Marco Giovannoli Subdivision – requesting **2nd Re-Approval** of Final Approval of a proposed 3-Lot Subdivision, situated on tax parcel SBL # 12-3-33; parcel located on the northern side of Little Brooklyn Road 830± feet east of C.R. #1, in the AI zone, of the Town of Warwick. Final Approval was granted on 8/20/08. 1st Re-Approval of Final Approval was granted on 8/19/09 became effective on 8/20/09. *The applicant has stated that the 2nd Re-Approval and the 6-Month Extension are needed due to the current economic conditions.* The **2nd Re-Approval** of Final Approval becomes effective on, 8/20/10, subject to the conditions of Final Approval granted on, 8/20/08. And, A Request for **6-Month Extension** on the 2nd Re-Approval of Final Approval of a proposed 3-Lot Subdivision, SBL #12-3-33. The 6-Month Extension on the 2nd Re-Approval of Final Approval becomes effective on, 2/20/11.

Mr. McConnell makes a motion on the Marco Giovannoli Subdivision application, granting “**2nd Re-Approval**” of Final Approval of a proposed 3-Lot subdivision, situated on tax parcel S 12 B 3 L 33; parcel located on the northern side of Little Brooklyn Road 830± feet east of C.R. #1, in the AI zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of Final Approval granted on, 8/20/08. (See attached) The “**2nd Re-Approval**” of Final Approval becomes effective on, 8/20/10.

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

- 2. William H. Vieldhouse #2 Subdivision** – Letter from Ryan McGuire, Pietrzak & Pfau Engineering, dated 10/12/10 addressed to the Planning Board in regards to the Vieldhouse #2 Subdivision – requesting **4th Re-Approval** of Final Approval of a proposed 2-Lot Subdivision, situated on tax parcel SBL # 53-1-39; parcel located on the northwestern side of Brady Road 2,200 feet north east of Black Rock Road, in the MT zone, of the Town of Warwick. Final Approval was granted on 11/1/06. The 3rd Re-Approval of Final Approval was granted on 11/4/09 became effective on, 11/4/09. The 6-Month Extension on the 3rd Re-Approval of Final Approval was granted on 5/19/10 became effective on, 5/4/10. *The applicant has stated that on 2/2/10 their office submitted plans revised in accordance with the conditions of final approval for the Board’s Professional’s review. Since that date, their office has corresponded with the Planning Board’s Engineer via telephone and e-mail regarding several changes required for approval, as well as some in addition to the approval conditions, which have been addressed. Their office has not yet received an indication that the plans are ready to submit for signature, and therefore they request the 4th Re-Approval of Final Approval.* The **4th Re-Approval** of Final Approval becomes effective on 11/4/10, subject to the conditions of Final Approval granted on, 11/4/09.

Representing the applicant: Anthony Trochiano from Pietrzak & Pfau Engineering. Mr. William Vieldhouse, Applicant.

Mr. Astorino: I have a question. Our Engineer had just received a submittal on 11/2/10. Is that the last submittal that we are talking about in this letter?

Anthony Trochiano: Yes. What is the date of that letter?

Mr. Astorino: Laura, two days ago you received plans. Is that correct?

Laura Barca: I received the last plan yesterday.

William Vieldhouse: I don't hear what you are saying.

Mr. Astorino: Yesterday, we received plans from your Engineer to be reviewed by our Professionals.

William Vieldhouse: Right.

Mr. Astorino: In this letter here, it states that you are waiting for our Professionals to review them.

William Vieldhouse: I don't know. I didn't write the letter.

Mr. Astorino: Someone wrote the letter. To me, our Engineer just received the plans yesterday.

Mr. Bollenbach: The Board hasn't seen that yet.

Mr. Astorino: I haven't seen the plans.

William Vieldhouse: You have seen the plans for 5 years.

Mr. Astorino: Mr. Vieldhouse, I understand that. That is why I am asking these questions for the record here.

William Vieldhouse: That, I do not know.

Mr. Astorino: To me, somebody wrote a letter to this Board stating that in essence we are holding back on reviewing this. Laura just received them yesterday. Your own Engineer had just pointed that out. Is that correct?

William Vieldhouse: I don't know.

Mr. Astorino: We have a complete listing on when these plans were reviewed and the conditions of final approval that you or your Engineer had agreed to. Is that correct?

William Vieldhouse: I believe so. I will do whatever they want because I am required by God that makes it a government. But, I also have the right to stand up to this.

Mr. Astorino: You are right. I am just addressing the concerns. What I am trying to do is set the record straight. Your Professionals agreed to the conditions of final approval. Is that correct?

William Vieldhouse: Yes. That's right.

Mr. Astorino: That is where we are now.

William Vieldhouse: I don't care if I get final approval tonight. I don't even need this anymore.

Mr. Astorino: No. You already have conditional final approval.

William Vieldhouse: I had final approval two other times.

Mr. Astorino: Right. Here is my point to you. You have an approval.

William Vieldhouse: What is that? What is final approval when it is not final?

Mr. Astorino: A conditional final approval, as well as with all the other applications that come before this Board, it is your obligation or your Professional's obligation to submit back to this Board's professionals. They had not done that. The latest submittal was just received yesterday. I don't think this Board has a problem with giving you an extension. I just want to clear the record that this Board is no way shape or form stonewalling this application.

William Vieldhouse: I am not worrying about it anymore. I just want to say something. Could I speak about these applications? I wanted to build a house for my Mother-In-Law. She is dead. That doesn't matter. Then, I figured that my daughter would take it. She can't afford to live in Warwick anymore. This is going on all over. I realize it is not just Warwick. I have lived in Warwick my whole life. I want to stand up for Warwick. This Board in my opinion, and I don't mean everyone that is on it, but this has been going on for years. It has been so negative to the people. It is worse than what the terrorist are doing. You are destroying the rights.

Mr. Astorino: If your Engineer, the Professional that you hired to prepare the drawing that was required and agreed to, why wasn't it submitted?

William Vieldhouse: That was a while ago. The stuff you were asking for was so ridiculous.

Mr. Astorino: If that is the case, why was it agreed to?

William Vieldhouse: I told them to agree to everything. I looked at what they wanted to do and I even agreed to the stupid stuff. Every time you knock it down, I get another bill.

Mr. Astorino: This all could have been avoided. I understand your frustrations. I will ask your Engineer something. Why wasn't this application submitted to our Professionals?

William Vieldhouse: I have been to this Board before. I have had Engineers that you have used. I know what goes on. I am street smart. I am not worried about this stupid subdivision. What I am worried about is when you have a perfect lot, a driveway that has been paved 250-feet and no runoff problems even in the heaviest rains... The other issue is why does it take so long to get a subdivision?

Mr. Bollenbach: We just received a map yesterday.

Mr. Astorino: I will ask your Professional something. Anthony, did you do everything that was asked with the conditions of final approval in the last submittal?

Anthony Trochiano: Let me bring it back a little bit. First of all, I apologize. In all respect to the Warwick Planning Board, the only issue that I was told is that this project received a Re-Approval back on 11/4/09. In that Re-Approval there were conditions of the final approval. There might have been about 9 conditions or so. Ryan McGuire from our office had submitted a letter back to the Planning Board in January 2010 two months later addressing those comments. In that time, HDR came on board and Tectonic was removed. There were additional comments provided by HDR that weren't original conditions of final approval.

Laura Barca: All of those new comments were related to the drainage.

Mr. Astorino: Which those drainage comments were listed in the original final approval.

Anthony Trochiano: That is what we have been trying to do regarding the swale with the driveway and the drainage. We were trying to get it corrected.

Mr. Astorino: Once that is all done, that will be it. That is why I don't see why this is such a big deal.

William Vieldhouse: It use to be that the Building Inspector would come out and look at the site. You could look at the site to see if it would be buildable or have problems. There was no professional that came up to my house. Nobody has come out there.

Mr. Astorino: You have a professional standing right next to you. You pay that professional. Is that correct?

William Vieldhouse: Yes.

Mr. Astorino: You take his word that he would draw up a plan that would work. He is putting it on a piece of paper. It is not our people. Here is the deal. The bottom line is that you submitted maps. Laura will review it. Laura, is that correct?

Laura Barca: Yes. Absolutely.

Mr. Astorino: We will make a motion on the extension. We will go from there. I hope that everything will be right.

William Vieldhouse: I will be back. You do what you want. Whatever happens to me is for the best, good, or bad. I am not going to stop standing up for what is wrong. I have dealt with the Mafia. I have dealt with Tony Provonzano. That was a hero of mine.

Mr. Astorino: What we do is follow the Code. Could we have a motion on the 4th Re-Approval of Final Approval?

Mr. McConnell makes a motion on the William H. Vieldhouse #2 Subdivision, granting “**4th Re-Approval**” of Final Approval for a proposed 2-Lot subdivision, situated on tax parcel S 53 B 1 L 39; parcel located on the northwestern side of Brady Road 2,200 feet northeast of Black Rock 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, 11/4/09. (See Attached). The “**4th Re-Approval** of Final Approval becomes effective on, 11/4/10.

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

Mr. Astorino: Anthony, please work with Laura on this matter and get this done.

Anthony Trochiano: No problem. Thank you.

3. Planning Board Minutes of 10/6/10 – Planning Board Minutes of 10/6/10 for Planning Board’s Approval.

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

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

Correspondences:

1. Email from Charly Prevost, dated 10/15/10 addressed to the Planning Board regarding Warwick Views – with attachments from Paul Rubin, HydroQuest & Katherine J. Beinkafner, Ph.D, dated 10/15/10 regarding Warwick Views Subdivision Next Steps – Karst Hydrology and correspondence from U.S. Geological Survey Karst Interest Group Proceedings, Shepherdstown, West Virginia, dated August 20-22, 2002.
2. Letter from Paul Rubin, HydroQuest & Katherine J. Beinkafner, Ph.D., dated 10/25/10 addressed to the Planning Board in regards to the Warwick Views Subdivision – regarding sinking stream velocity measurement.

Mr. Astorino: We have those correspondences pertaining to the Warwick Views project in our packets. Once Warwick Views gets back on an agenda, we will then discuss it.

Privilege Of The Floor For Agenda Items!!

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

Mr. McConnell makes a motion to adjourn the November 3, 2010 Planning Board meeting.

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