

TOWN OF WARWICK PLANNING BOARD

November 7, 2007

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, November 7, 2007, at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

PUBLIC HEARING of Carl and Deanne Singer

Application for final approval of a proposed lot line change, situated on tax parcel S 65 B 1 L 16.1 and L 18.2; parcels located on the eastern side of Cascade Road 250 feet south of the intersection Buttermilk Falls Road, in the CO zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Kirk Rother, Engineer

Planning Board member, Carl Singer recuses himself from the Carl and Deane Singer application.

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

Mr. Astorino: Thank you.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. Provide the deed and the recording information on the map for the lot line change.
4. Applicant proposes two alternate locations for the dwelling on SBL 65-1-16.1, both conforming to the required setbacks. The dwelling is proposed to be located within the Ridgeline Overlay District where "constructed structures shall not differ more than 20 feet in any direction from building site locations shown on the approved (plan)". §164-47.1 Ridgeline Overlay District does not preclude alternative structure siting. Board and applicant to discuss.
5. The applicant requests a waiver from the Ridgeline Overlay regulations, allowing a building height up to 35 feet. Applicant has submitted a line-of-sight analysis and a completed a Visula EAF in support of their request. Board to discuss.
6. The existing driveway exceeds 1000 feet. Provide details and note on the plan the locations of emergency service markings, conforming to the Town's Code requirements.
7. Note the limit of the common driveway.
8. The existing dirt drive/proposed driveway crosses terrain with a gradient exceeding 20%. Provide a Profile showing a proposed driveway with a grade not exceeding 15%. Show grading on Plan view and refer to Slope Stabilization notes on sheet 2.

9. Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes and Common Driveway Use & Maintenance Notes.
10. Applicant to provide irrevocable dedication of a strip of Cascade Road to the Town. Provide metes and bounds of the strip and a resolution for the Town Board’s action. Place the recording data of the dedication on the plan.
11. Pay outstanding review fees.

WAIVERS & EXEMPTIONS

<i>CODE</i>	<i>ACTIVITY</i>
§164-47.1F.(2)	Ridgeline Overlay District. Design requirements; exceed maximum 25 foot building height.

The following comment submitted by the Conservation Board, dated 11/7/07:

Carl and Deanne Singer – The CB has no further comments.

The following comment submitted by the ARB.

Carl and Deanne Singer – None Submitted.

Comment #1: Board to discuss SEQR.

1. Mr. McConnell: The following SEQR comment has been prepared by Mr. Ted Fink, dated 11/7/07: “ SEQR issues associated with this application include the potential for future development of the proposed new building lot. These include the Ridgeline Overlay District, soil suitability for septic effluent, the Southern Walkkill Biodiversity Plan, and the need for recreational facilities by future residents generated by the new building lot. These issues have been addressed by the proposed plans, supporting documents, and the attached draft Negative Declaration.”

Comment #2: Applicant to discuss project.

Kirk Rother: This is a proposed lot line change between (2) existing parcels owned by Mr. and Mrs. Singer. The project is located on the eastern side of Cascade Road slightly south of the intersection of Buttermilk Falls Road, in the CO zone. The Singer’s would like to convey approximately (2) acres of land from a 40-acre parcel to an existing 2-acre parcel. In doing so, the 2-acre parcel would be more conforming with the zoning and more buildable as relates to soils for the septic system and slopes for a potential home site.

Comment #3: Provide the deed and the recording information on the map for the lot line change.

Kirk Rother: Ok.

Comment #4: Applicant proposes two alternate locations for the dwelling on SBL 65-1-16.1, both conforming to the required setbacks. The dwelling is proposed to be located within the Ridgeline Overlay District where “constructed structures shall not differ more than 20 feet in any direction from building site locations shown on the approved (plan)”. §164-47.1 Ridgeline Overlay District does not preclude alternative structure siting. Board and applicant to discuss.

Kirk Rother: We discussed this at the last meeting. Because it is in the Ridgeline Overlay, we can't move more than 20 feet from the box that we show on the plan. Mr. Singer doesn't have a specific location for a building on this lot at this time. We mutually agreed to show two alternatives so that he is covered.

Mr. Bollenbach: This has also been done on other applications. I think it was done on the Maynard application.

Mr. Astorino: I think the Board is aware of that. It is not a problem.

Mr. McConnell: Yes.

Comment #5: The applicant requests a waiver from the Ridgeline Overlay regulations, allowing a building height up to 35 feet. Applicant has submitted a line-of-sight analysis and a completed a Visual EAF in support of their request. Board to discuss.

Mr. Astorino: I believe that we have that. Do any Board members have any comments?

Kirk Rother: On that analysis, the line of sight stops at the end of the property line for this lot line change. Mr. Singer's land goes back another several thousand feet. It goes up another several hundred feet in elevation.

Mr. Astorino: I think that is a no brainer from where that location is. Do any Board members have any problems?

Mr. McConnell: No.

Mr. Kowal: No.

Mr. Showalter: No.

Mr. Astorino: Ok. That takes care of that.

Comment #6: The existing driveway exceeds 1000 feet. Provide details and note on the plan the locations of emergency service markings, conforming to the Town's Code requirements.

Kirk Rother: Ok.

Comment #7: Note the limit of the common driveway.

Kirk Rother: Will do.

Comment #8: The existing dirt drive/proposed driveway crosses terrain with a gradient exceeding 20%. Provide a Profile showing a proposed driveway with a grade not exceeding 15%. Show grading on Plan view and refer to Slope Stabilization notes on sheet 2.

Kirk Rother: Ok.

Comment #9: Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes and Common Driveway Use & Maintenance Notes.

Kirk Rother: Yes.

Mr. Bollenbach: Add to that, with easements. I reviewed the deeds to all the parcels. There is a driveway that traverses on one of the parcels. It needs an easement.

Comment #10: Applicant to provide irrevocable dedication of a strip of Cascade Road to the Town. Provide metes and bounds of the strip and a resolution for the Town Board's action. Place the recording data of the dedication on the plan.

Kirk Rother: Will do.

Comment #11: Pay outstanding review fees.

Kirk Rother: Yes.

WAIVERS & EXEMPTIONS

<i>CODE</i>	<i>ACTIVITY</i>
§164-47.1F.(2)	Ridgeline Overlay District. Design requirements; exceed maximum 25 foot building height.

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

Zen Wojcik: I had a conversation with Mr. Fink earlier today. He noted that in the Ridgeline Overlay there are requirements for plantings and (8) trees. That is at the Board's option. The lot is wooded.

Mr. Astorino: That is where we are with this one. Is that a specific waiver?

Zen Wojcik: He had asked that I bring it up so that the Board could consider that. Yes, it is a specific waiver.

Mr. Bollenbach: There is not a specific waiver. The Board could take it into consideration. Existing vegetation does not require additional plantings.

Mr. Astorino: It does not need a specific waiver.

Mr. Bollenbach: No.

Mr. Astorino: This is a public hearing. If there is anyone in the audience wishing to address the Carl and Deanne Singer application, please rise and state your name for the record. Let the record show no public comment.

Mr. Showalter makes a motion for the Negative Declaration.

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

617.12(b)

State Environmental Quality Review (SEQR)

Resolution Authorizing Filing of Negative Declaration

Name of Action: Carl Singer Re-Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed Re-subdivision between two existing lots of record, 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 8/28/07, 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. Kowal makes a motion to close the public hearing.

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

Mr. Showalter makes a motion to grant waiver §164-47.1F(2) Ridgeline Overlay District. Design requirements; exceed maximum 25-foot building height 35 feet maximum.

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

Mr. Showalter makes a motion on the Carl and Deanne Singer application, granting final approval for a proposed lot line change, situated on tax parcel S 65 B 1 L 16.1 and L 18.2; parcels located on the eastern side of Cascade Road 250 feet south of the intersection Buttermilk Falls Road, in the CO zone, of the Town of Warwick, County of Orange, State of New York, subject to the following conditions:

1. Provide the deed and the recording information on the map for the lot line change.
2. The existing driveway exceeds 1000 feet. Provide details and note on the plan the locations of emergency service markings, conforming to the Town's Code requirements.
3. Note the limit of the common driveway.
4. The existing dirt drive/proposed driveway crosses terrain with a gradient exceeding 20%. Provide a Profile showing a proposed driveway with a grade not exceeding 15%. Show grading on Plan view and refer to Slope Stabilization notes on sheet 2.

5. Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes and Common Driveway Use & Maintenance Notes with easements.
6. Applicant to provide dedication strip on Cascade Road to the Town. Provide metes and bounds of the strip and a resolution for the Town Board's action. Place the recording data of the dedication on the plan.
7. Pay Outstanding Review Fees.

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

Kirk Rother: Thank you. For the record, there was a consensus from the Board regarding the tree plantings are not required.

Mr. Astorino: Yes.

Kirk Rother: Thank you.

PUBLIC HEARING OF IBM Corporation

Application for site plan approval and special use permit for the construction and use of (2) new accessory buildings, a chiller building and a generator building to be placed at current generator location, situated on tax parcel S 85 B 1 L 1.1; project located on the western side of Long Meadow Road 9500± feet north of Sterling Mine Road, in the LC zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Carl DiGregorio from IBM, Corp. Brian Lainson from Pennoni Engineering.

Planning Board member, Carl Singer returns to the Planning Board meeting.

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

Mr. Astorino: Thank you.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. The applicant has obtained a variance from the ZBA for luminaire mounting height. Provide the full text of the variance on the plans.
4. Applicant and Board to discuss reducing height of luminaires on the North and South Access Roads which may be visible from Long Meadow Road.
5. At several locations in the Geotechnical Report (Sections 4.2 and 4.7), the engineer recommends blasting. Submit the *Blasting Safety Management Program* for the Town Engineer's review and comment. The *Program* should clearly outline the decision process proposed for determining when blasting is appropriate, and blasting, such as it is allowed, shall only be used as specified in the *Program*.
6. Place a note on the plans that plans and supporting calculations signed and sealed by a NYSPE must be provided for all structures when applying for building permits.
7. The applicant requests several waivers from the Ridgeline Overlay District design requirements. Board to discuss.
 - a. Building Height – Generator building is proposed to be 30 feet in height. Chiller building is proposed to be 44 feet in height. Maximum allowable is 24 feet.
 - b. Building footprint – Generator building is proposed to be 17,345 square feet. Chiller building is proposed to be 9,524 square feet. Maximum allowable is 7,500 square feet.
 - c. Impervious surface – Post-development impervious lot coverage is proposed to be 22%. Maximum allowable is 20%.
8. As mitigation for exceeding Ridgeline Overlay District design requirements, the applicant proposes installation of online filtration systems on two of the stormwater discharges. Provide a signed copy of the NOI before final approval..
9. At the Building Construction Guidelines (Drawing C8001), add that a schedule of the proposed work shall be provided to the Town Engineer prior to the start of construction.

BEFORE FINAL APPROVAL:

10. Applicant to obtain building permits from the Building inspector. Provide information as required by §164-48D Performance Standards for noise and air quality considerations.
11. Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes.
12. Pay performance bond and construction inspection fee for stormwater management facilities and erosion control.
13. Pay outstanding review fees.

WAIVERS & EXEMPTIONS

<i>CODE</i>	<i>ACTIVITY</i>
§164-47.1F(2)	Ridgeline Overlay District. Design requirements; exceed maximum 25 foot building height.
§164-47.1F(7)(c)	Ridgeline Overlay District. Design requirements; exceed maximum 7500 square foot building footprint.
§164-47.1F(7)(d)	Ridgeline Overlay District. Design requirements; exceed maximum allowable impervious surface of 20%.

The following comment submitted by the Conservation Board, dated 11/7/07:

IBM Corporation – The CB has no further comments.

The following comment submitted by the ARB:

IBM Corporation – None Submitted.

Comment #1: Board to discuss SEQR.

2. Mr. McConnell: The following SEQR comment has been prepared by Mr. Ted Fink, dated 11/7/07: “The proposed two new buildings at the IBM site have raised a number of SEQR issues. The site is in the Town’s RL-O2 district and the applicant has provided the Board with revisions to the SEQR Environmental Assessment Form (EAF) and the Visual EAF Addendum. Zoning variances have been granted by the ZBA, allowing IBM to retain light poles that are higher than the maximum height allowed by the Zoning Law. The applicant has committed to replacing the most visible light poles near County Route 84 with ones that comply with the Zoning Law. There are landscaping requirements of the RL-02 District that must be addressed, either through Site Plan modifications or the granting of a waiver of the Planning Board. Other waivers from the RL-02 District requirements have also been identified in the TECTONIC review comments.”

Stormwater pollution prevention has been addressed through preparation of a SWPPP. The SWPPP has been reviewed and found to be acceptable as proposed.

Air quality impacts of the proposed emergency generators are addressed through the “Air Facility Registration Certificate,” that IBM holds for use of these generators on an emergency basis only.

Blasting is probable due to shallow rock on the site in the area of the proposed buildings. The applicant has prepared a Blasting Safety Plan to address blasting and a blasting permit will be required from the Town as well. I have prepared a draft Negative Declaration for the Planning Board’s consideration that acknowledges these issues.”

Comment #2: Applicant to discuss project.

Carl DiGregorio: IBM is requesting permission to build (2) utility buildings. One building would be a chiller plant and the second building would be for a generator plant. This project is located on our existing facility. I have here an aerial view of our site. The chiller plant would be built in the existing grassy area in our roadway. The generator plant would be built on existing pavement over our T-4 parking lot. Eventually there will be replacement of the existing turbine plant after this new generator plant is built.

Comment #3: The applicant has obtained a variance from the ZBA for luminaire mounting height. Provide the full text of the variance on the plans.

Carl DiGregorio: Correct.

Comment #4: Applicant and Board to discuss reducing height of luminaires on the North and South Access Roads which may be visible from Long Meadow Road.

Carl DiGregorio: Yes.

Mr. Astorino: We had discussed that. Have you marked them on the plan?

Brian Lainson: Yes. They are marked on the plan.

Mr. Astorino: Let us keep that comment on there. It would read, applicant to reduce height.

Comment #5: At several locations in the Geotechnical Report (Sections 4.2 and 4.7), the engineer recommends blasting. Submit the *Blasting Safety Management Program* for the Town Engineer's review and comment. The *Program* should clearly outline the decision process proposed for determining when blasting is appropriate, and blasting, such as it is allowed, shall only be used as specified in the *Program*.

Carl DiGregorio: We will comply.

Mr. Bollenbach: Zen, do we have blasting notes?

Zen Wojcik: We are developing blasting notes.

Mr. Bollenbach: Let us add onto that comment, provide blasting notes to Town Engineer's specifications.

Comment #6: Place a note on the plans that plans and supporting calculations signed and sealed by a NYSPE must be provided for all structures when applying for building permits.

Brian Lainson: Yes.

Comment #7: The applicant requests several waivers from the Ridgeline Overlay District design requirements. Board to discuss.

- a. Building Height – Generator building is proposed to be 30 feet in height. Chiller building is proposed to be 44 feet in height. Maximum allowable is 24 feet.

- b. Building footprint – Generator building is proposed to be 17,345 square feet. Chiller building is proposed to be 9,524 square feet. Maximum allowable is 7,500 square feet.
- c. Impervious surface – Post-development impervious lot coverage is proposed to be 22%. Maximum allowable is 20%.

Mr. Astorino: Do any Board members have any question on these?

Mr. McConnell: Regarding the building height, what is the existing building height?

Carl DiGregorio: The existing building is at 70 feet.

Mr. McConnell: Are either of these building proposed to be taller than the 70 feet?

Carl DiGregorio: No.

Brian Lainson: No.

Carl DiGregorio: The tallest building is at the roadway level below. It is barely visible.

Mr. McConnell: You are not increasing the non-conformance.

Carl DiGregorio: No.

Mr. McConnell: Ok.

Comment #8: As mitigation for exceeding Ridgeline Overlay District design requirements, the applicant proposes installation of online filtration systems on two of the stormwater discharges. Provide a signed copy of the NOI before final approval.

Brian Lainson: Yes.

Comment #9: At the Building Construction Guidelines (Drawing C8001), add that a schedule of the proposed work shall be provided to the Town Engineer prior to the start of construction.

Brian Lainson: Yes.

BEFORE FINAL APPROVAL:

Comment #10: Applicant to obtain building permits from the Building inspector. Provide information as required by §164-48D Performance Standards for noise and air quality considerations.

Brian Lainson: Yes.

Comment #11: Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes.

Brian Lainson: Yes.

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

Brian Lainson: Yes.

Comment #13: Pay outstanding review fees.

Brian Lainson: Yes.

WAIVERS & EXEMPTIONS

<i>CODE</i>	<i>ACTIVITY</i>
§164-47.1F(2)	Ridgeline Overlay District. Design requirements; exceed maximum 25 foot building height.
§164-47.1F(7)(c)	Ridgeline Overlay District. Design requirements; exceed maximum 7500 square foot building footprint.
§164-47.1F(7)(d)	Ridgeline Overlay District. Design requirements; exceed maximum allowable impervious surface of 20%.

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

Mr. Showalter makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: IBM Data Center Infrastructure Improvements

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed Site Plan and Special Use Permit for two new buildings and other site improvements, 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 8/25/07 and 9/28/07, 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

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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. Showalter makes a motion to close the public hearing.

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

Mr. Bollenbach: Zen, were we provided any color samples or textures?

Zen Wojcik: I believe they went to the ARB.

Mr. Astorino: I know that we have seen them at a meeting.

Carl DiGregorio: We submitted formal copies to the ARB.

Mr. Bollenbach: That has not been resolved yet. Let us add a comment #14; provide color
and texture samples to the Town Engineer's specifications.

Mr. Astorino: That stuff should also go to the Planning Board.

Mr. Bollenbach: You are looking for some of the earth tones.

Mr. Astorino: Exactly.

Mr. Singer: I don't think we have ever seen that.

Mr. Astorino: We have seen that. They had them here at a meeting.

Mr. Showalter: We had that about a couple of months ago.

Mr. Astorino: We haven't seen the final samples yet.

Mr. Singer: We had seen samples of stuff that we did not like. We didn't see the new ones.

Mr. Astorino: I think you had a whole board to choose from.

Carl DiGregorio: Our architect is lost in the area tonight. He should be here.

Mr. Astorino: That is all right. We will put it to Town Engineer's specifications. I don't
think it would be tough to find earth tones.

Mr. Bollenbach: Let us add a comment #14; provide color and texture samples to the Town
Engineer's specifications.

Mr. McConnell: Mr. Chairman, regarding the waivers, would it be possible to tie these waivers into comment 7, A, B, and C?

Mr. Astorino: That would be fine.

Mr. Bollenbach: Grant the waivers first. I have some verbiage to put into comment #7, A, B, and C.

Mr. McConnell makes a motion on granting the following waivers;

§164-47.1F(2)	Ridgeline Overlay District. Design requirements; exceed maximum 25 foot building height.
§164-47.1F(7)(c)	Ridgeline Overlay District. Design requirements; exceed maximum 7500 square foot building footprint.
§164-47.1F(7)(d)	Ridgeline Overlay District. Design requirements; exceed maximum allowable impervious surface of 20%.

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

Mr. Bollenbach: After comment #7, A, B, and C, put at the end of them, waivers granted.

Mr. Showalter makes a motion on the IBM Corporation application, granting site plan approval and special use permit for the construction and use of (2) new accessory buildings, a chiller building and a generator building to be placed at current generator location, situated on tax parcel S 85 B 1 L 1.1; project located on the western side of Long Meadow Road 9500± feet north of Sterling Mine Road, in the LC zone, of the Town of Warwick, County of Orange, State of New York, subject to the following conditions:

1. The applicant has obtained a variance from the ZBA for luminaire mounting height. Provide the full text of the variance on the plans.
2. Applicant to reduce height of luminaires on the North and South Access Roads which may be visible from Long Meadow Road.
3. At several locations in the Geotechnical Report (Sections 4.2 and 4.7), the engineer recommends blasting. Submit the *Blasting Safety Management Program* for the Town Engineer's review and comment. The *Program* should clearly outline the decision process proposed for determining when blasting is appropriate, and blasting, such as it is allowed, shall only be used as specified in the *Program*. Provide Blasting Notes on plan to Town Engineer's specifications.
4. Place a note on the plans that plans and supporting calculations signed and sealed by a NYSPE must be provided for all structures when applying for building permits.
5. The applicant requests several waivers from the Ridgeline Overlay District design requirements.
 - a. Building Height – Generator building is proposed to be 30 feet in height. Chiller building is proposed to be 44 feet in height. Maximum allowable is 24 feet. Waiver Granted.
 - b. Building footprint – Generator building is proposed to be 17,345 square feet. Chiller building is proposed to be 9,524 square feet. Maximum allowable is 7,500 square feet. Waiver Granted.

- c. Impervious surface – Post-development impervious lot coverage is proposed to be 22%. Maximum allowable is 20%. Waiver Granted.
6. As mitigation for exceeding Ridgeline Overlay District design requirements, the applicant proposes installation of online filtration systems on two of the stormwater discharges. Provide a signed copy of the NOI before final approval..
7. At the Building Construction Guidelines (Drawing C8001), add that a schedule of the proposed work shall be provided to the Town Engineer prior to the start of construction.
8. Applicant to obtain building permits from the Building inspector. Provide information as required by §164-48D Performance Standards for noise and air quality considerations.
9. Provide the Declaration and the Recording Information on the plan for Ridgeline Overlay Notes.
10. Pay performance bond and construction inspection fee for stormwater management facilities and erosion control.
11. Pay Outstanding Review Fees.
12. Provide color and texture samples to Town Engineer's specifications.

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

Carl DiGregorio: Thank you.

PUBLIC HEARING OF Roger and Anahita Kopet

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

Representing the applicant: Roger and Anahita Kopet, applicants.

Connie Sardo: Mr. Chairman, I have received the certified mailings for the Kopet public hearing.

Mr. Astorino: Thank you.

The following review comment submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. Provide the declaration and the recording information on the plan for Aquifer Protection Overlay Notes.
4. Pay outstanding review fees.

The following comment submitted by the Conservation Board, dated 11/7/07:

Roger and Anahita Kopet – The CB has no further comments.

The following comment submitted by the ARB: None Submitted.

Roger and Anahita Kopet – None Submitted.

Comment #1: Board to discuss SEQR.

Mr. McConnell: The following SEQR comment has been prepared by Mr. Ted Fink, dated 11/7/07: "This Site Plan application is an Unlisted Action and no other agencies are involved. I have prepared a draft Negative Declaration that addressed potential impact issues on Greenwood Lake."

Comment #2: Applicant to discuss project.

Anahita Kopet: The application is for site work on a waterfront property. It is located on the eastern side of Route 210. It is for the construction of a concrete bulkhead. We had permission from the DEC prior to this application. There will be cantilevered steel beams with a wood deck. We will be reconstructing retaining walls and rebuilding of a framed structure.

Comment #3: Provide the declaration and the recording information on the plan for Aquifer Protection Overlay Notes.

Roger Kopet: At the workshop, I remember speaking to a gentleman about post proceedings here.

Mr. Astorino: You have to agree to that.

Anahita Kopet: Yes.

Roger Kopet: Yes.

Comment #4: Pay outstanding review fees.

Anahita Kopet: Yes.

Mr. Astorino: We have a letter from William Olsen of Greenwood Lake Commission addressed to the Planning Board, dated 11/4/07. The letter is stated as follow:

We have reviewed the site plan application for Kopet for construction of a concrete bulkhead, a cantilevered dock and rebuilding of a framed structure on lot S 72 B 3 L 15.2 on the east side of Rt. 210 in the Designated Protection Area of Greenwood Lake.

It appears that the applicant intends to extend the concrete bulkhead an additional 6 feet into the Lake. We strongly feel that filling the lakefront and building a new bulkhead is a significant environmental impact on the lake.

Also, the applicant must obtain the required permits from the NYSDEC and USACOE for this work.

The applicant should provide detail of the new frame structure. Will it contain a bathroom?

Protecting the lake from runoff during construction is critical and the site plan should indicate that a silt construction fence will be installed prior to the start of work. We request that the Town Building Inspector periodically review the condition of the silt barrier during the period of construction.

After construction, it is equally important to prevent surface runoff from carrying nutrients from lawns and driveways into the lake. The applicants should provide a drainage plan to indicate how stormwater runoff from the proposed new frame structure and increased impervious surfaces will be handled prior to entering the lake. Surface runoff will carry sediment and nutrients into the lake unless diverted into properly constructed catch basins or some other system to reduce the suspended sediment and phosphate content. Such drainage control structure should be indicated on the plan.

Thank you,

Sincerely,

*William L. Olsen
Commissioner*

Mr. Bollenbach: What was the status of the ACOE?

Mr. Astorino: Zen, as far as the permits, do you want to touch on that? Do they need a ACOE permit?

Zen Wojcik: They had a permit which was extended through April of this year. I spoke to the people of the DEC in New Paltz. The permit was for the construction of the bulkhead. The bulkhead construction had occurred during the period of time when the permit was valid. That is why the Kopet's are here. Our Building Inspector had seen them building without the benefit of a permit from the Town. To the best of our knowledge, we have photographs that Mr. and Mrs. Kopet had provided to the Board showing that work has been completed. That was the work that was required to be permanent. Regarding the construction of the deck which is cantilevered out over the lake, that is not part of that permit from the State. They don't have a jurisdiction over that. They just had concerns about the construction of the bulkhead.

Mr. Astorino: So, what is in the water is what they are concerned about.

Zen Wojcik: Now, it is in the water. When it was constructed, it was not. That was an important fact.

Mr. Bollenbach: So, that issue has been addressed.

Zen Wojcik: Yes.

Mr. Astorino: Do any Board members have any comments? This is a public hearing. If there is anyone in the audience wishing to address the Roger and Anahita Kopet application, please rise and state your name for the record.

Alexandra Finkel and Matt Tangredi appear before the Planning Board.

Alexandra Finkel: We own property adjacent from Kopet.

Matt Tangredi: We are the south side neighbors.

Alexandra Finkel: We own the adjacent property on the right hand side of the Kopets facing the lake. We have a small piece of property. They have a fairly large piece of property on the lake. We have concerns. Since we have a small space, we have concerns about getting our boat in and out of our space. If they are able to do these plans that were submitted, we want to make sure that they are able to add bumpers.

Matt Tangredi: We want something safety-wise to keep our boat from crashing into their dock while it is parked. When you have a boat parked by the side of a dock, you have to leave slack in the ropes for the give back and forth. This is an issue that we are worried about.

Mr. Astorino: Are you talking about the dock itself?

Alexandra Finkel: We are talking about the dock itself. A regular dock 2 to 4 feet wide, if somebody is swimming-we have children by our dock, and they get swept under by the waves and the lake traffic, they are easily able to come outside on the other side of the dock. But, something like this being so large, people and children might get stuck while swimming. If they don't have any place to go out, to return back to the lake.

Matt Tangredi: We live on a very open section of the lake where there is always a wind current. Navigating boats in this area is very difficult even if you were just parking the boats. We spoke to the Kopets. They have actually changed their plans a little bit for us to give us a little leeway. We like to thank them for that. We still feel that there could be a problem. We wanted to get a variance so that maybe we could put some protection equipment on their structure after it is finished.

Mr. Astorino: Your concern is that when their boat is not docked, you are worried about your boat crashing and hitting their dock.

Matt Tangredi: Navigating in and out when I go and park my boat it sometimes gets very hairy there. The current is very rough. Sometimes the wind could whip your boat around instantaneously.

Mr. Astorino: Ok.

Mr. Singer: Do the Kopets have any objections?

Anahita Kopet: We have no objections in putting in bumpers.

Mr. Astorino: It would make sense to do that.

Anahita Kopet: As far as someone being stuck underneath the deck, the deck will be about 5 to 6 feet above the water. If someone does get under the water, they would have to get out the same way.

Matt Tangredi: I don't believe it is going to be 5 or 6 feet above the water. If it were, that would even be more of a danger to boats. They could easily get swept underneath this. This structure is very large. This structure is larger than almost everyone of our houses on the block. It is quite a large span that you are talking about. There are million dollar mansions on the lake that don't even have a structure this large out over the water. Everybody that lives on the lake enjoys the lake and to be able to access the lake. It is not to camp out and have 50 million people out there. You go out and enjoy the lake and fish.

Mr. Astorino: I guess to that degree, your point is valid. If a boat could be swept underneath, could there be a barrier?

Zen Wojcik: Maybe, you could have a curtain or something.

Mr. Astorino: Maybe, you could have something to protect. If you are up 6 feet above the water and somebody does go through.

Alexandra Finkel: It is scary.

Mr. Astorino: I don't know. I don't live on the lake. Maybe, they could put some type of a barrier there.

Roger Kopet: I don't think a boat would be able to fit underneath the beams.

Alexandra Finkel: There are kayakers out there.

Zen Wojcik: Kayakers sit very low on the water.

Anahita Kopet: If the beams come up about 2 or 3 feet above the water, if that is a concern, we could put in some kind of a mesh or lattice.

Mr. Astorino: Something to that effect would be good.

Alexandra Finkel: There is this jet out here that they have on our side. They said that they would be parking their boat over here. Since we are so far back and our lake view is limited with everything that is going on around us and everybody is making their property value go up, which is great, we want to know what they are doing here.

Anahita Kopet: It is just a deck.

Alexandra Finkel: It is just a deck. Would there be anything on it? Would there be a fence?

Matt Tangredi: This is the piece that the ACOE talked about regarding the 6 feet sticking out further. What did they actually say?

Mr. Astorino: It is whatever goes into the water.

Alexandra Finkel: You mean the bulkhead.

Mr. Astorino: Yes.

Matt Tangredi: I don't know if anybody has ever boated around Greenwood Lake. There is a man made line all the way around the lake from where all these docks extend out. If you come around the point where we live, it is about 20 to 30 feet out. It all depends where on the lake you are. If you were to drive around our side of the lake, this piece here would be sticking out at a considerable rate. We are located approximately 1/2 mile off the main arm of the lake. This is a very high traffic area for fishing boats at night, dusk, early in the morning, and people coming home from restaurants. This could pose as a possible dangerous hazard to people. It sticks out further than the man made line of the lake.

Anahita Kopet: We don't agree to that. We have photographs. Looking at the photographs, these beams were put in. In the photograph, it shows the existing dock. This is the point where the beam is at. We are behind everything else. They don't have their floating dock but even that extends beyond this.

The Kopets shows the photographs to Alexandra Finkel and Matt Tangredi and to Chairman, Benjamin Astorino. Mr. Astorino explains to the concerned neighbor about the situation of the beams and the dock.

Alexandra Finkel: What is the purpose of the jet out?

Mr. Astorino: That is their design.

Alexandra Finkel: Is there anything that is going to be put there? Would any boats be put there?

Anahita Kopet: No.

Mr. Astorino: No.

Alexandra Finkel: Ok. This past whole summer they worked on the weekends. I wasn't able to go down and enjoy the lake. I work in the city. I commute 4 hours a day. I don't want them working on the weekends. It disturbs my weekends.

Mr. Astorino: John, is there a provision in the code for hours of construction?

Mr. Bollenbach: Yes.

Mr. Astorino: We could take care of that.

Alexandra Finkel: Ok.

Mr. Astorino: John, what is it?

Mr. Bollenbach: I believe it is Monday through Saturday. I don't remember the hours.

Alexandra Finkel: So, we could have a day on the weekend where we could enjoy it and not have jackhammers going on.

Mr. Bollenbach: Yes. That is a reasonable request.

Alexandra Finkel: Good.

Matt Tangredi: The only other request that we have and we have spoken to the Kopets about it was that they guaranteed us that they would not do this. We wanted to discuss the fact of maybe putting a fence down on the side of the structure. We are worried about this because the view going to the left is the view of the Village that we all sit and enjoy. We want to make sure that there is nothing that would break our view.

Mr. Astorino: Do you want a fence or not?

Anahita Kopet: We haven't proposed that.

Mr. Astorino: That is nothing proposed. That doesn't seem to be a problem. The bottom line is that you want bumpers, mesh, or lattice around the bottom, and putting the hours of working hours.

Roger Kopet: That is reasonable.

Alexandra Finkel: We also want to say that we like your building. We think it is cool.

Matt Tangredi: The detail is beautiful.

Mr. Astorino: The Planning Board agrees with that also.

Matt Tangredi: Thank you for letting us speak our minds.

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

Mr. Kowal makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: Kopat Site Plan

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed cantilevered deck in a designated protection area, 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 9/12/07, 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. Singer makes a motion to close the public hearing.

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

Mr. Kowal makes a motion on the Roger and Anahita Kopet application, granting site plan approval for the construction and use of concrete bulkhead, cantilevered beams with wood deck, reconstruction of retaining walls, and rebuilding of a framed structure, located within "A Designated Protection Area" of Greenwood Lake, situated on tax parcel S 72 B 3 L 15.2; project located on the eastern side of Route 210 600 feet north of Rocky Trail, in the SM zone, of the Town of Warwick, County of Orange, State of New York, subject to the following conditions:

1. Provide the Declaration and the Recording Information on the plan for Aquifer Protection Overlay Notes.
2. Pay Outstanding Review Fees.
3. Applicant to provide safety barriers and bumpers on dock to Town Engineer's specifications.
4. Provide note for construction hours of operation to Town Engineer's specifications.

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

Roger Kopet: Thank you.

Anahita Kopet: Thank you.

PUBLIC HEARING OF Steve Sarbak

Application for final approval of a proposed 3-Lot subdivision, situated on tax parcel S 17 B 1 L 74.52 & 74.53; parcel located on the western side of Distillery Road and West Ridge Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Ken Pinkham from ERS Consultants.

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

Mr. Astorino: Thank you.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. Same shading is used for proposed driveway as is used for delineated wetlands. Differentiate.
4. Delineate the area of disturbance consistent with Note 12.
5. The Soil Scientist's report states that in the vicinity of the proposed septic field, water may perch seasonally at 30 inches below the surface. Applicant has not modified the design of the septic absorption field. Provide the following:
 - a. Completely surround the absorption field with the designed curtain drain.
 - b. Place clean-outs on uphill and downhill locations along the surrounding curtain drain. Place a note on the plan that the property owner is responsible for the continued maintenance of the curtain drain.
 - c. At its discharge end, place a concrete headwall along the bank of the gully for the curtain drain.
6. Cite the date that the Town Planner's representative verified the Corp of Engineers jurisdictional wetlands.
7. Show an easement through Lot #3 for the Lot #2 driveway. Provide a 20'x30' emergency vehicle turnaround at the intersection of the Lot #2 driveway with the existing common driveway. Label the common driveway. Include a typical section detail of the common driveway pavement in the plans.
8. Provide sight distance triangles at driveway / road intersections (ref. NYSDOT Highway Design Manual §5.9.5). Note that area of the sight triangle to be kept free of visual obstructions.
9. Add note stating: "For Lot #1, no site preparation or construction, including utility connections, shall commence before a valid Driveway Permit has been secured from the Town of Warwick Department of Public Works."

BEFORE FINAL APPROVAL:

10. Provide the declaration and the recording information on the plan for Agricultural Notes, and Common Driveway Use and Maintenance Agreement Notes.
11. Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners.
12. Pay parkland fees.
13. Pay outstanding review fees.

The following comment submitted by the Conservation Board, dated 11/7/07:

Steve Sarbak - The wetlands and driveway use the same shading making it difficult to tell which is which. Also the septic system location and installation requires careful attention in view of the seasonal perching of surface water which is assumed to imply a high water table.

The following comment submitted by the ARB:

Steve Sarbak – None Submitted.

Comment #1: Board to discuss SEQR.

Mr. McConnell: The following SEQR comment has been prepared by Mr. Ted Fink, dated 11/7/07: “The subdivision is an Unlisted Action. Issues of concern include wetlands and a protected stream, agriculture, and the need for recreational facilities. Karen Schneller-McDonald has verified the on-site wetlands and is satisfied that the delineation is an accurate representation. No impacts to wetlands are expected. The on-site protected stream is also avoided by construction activity. A draft Negative Declaration has been prepared.”

Comment #2: Applicant to discuss project.

Ken Pinkham: It is a proposed 3-lot subdivision with one existing structure with an existing septic and well. There is lot #1 from a previous subdivision which we worked around and incorporated into the 3-lot subdivision. Lot #2 is a framed dwelling with an onsite septic and well.

Comment #3: Same shading is used for proposed driveway as is used for delineated wetlands. Differentiate.

Ken Pinkham: We will take care of it.

Comment #4: Delineate the area of disturbance consistent with Note 12.

Ken Pinkham: Will do.

Comment #5: The Soil Scientist’s report states that in the vicinity of the proposed septic field, water may perch seasonally at 30 inches below the surface. Applicant has not modified the design of the septic absorption field. Provide the following:

- A. Completely surround the absorption field with the designed curtain drain.

Ken Pinkham: Will do.

- B. Place clean-outs on uphill and downhill locations along the surrounding curtain drain. Place a note on the plan that the property owner is responsible for the continued maintenance of the curtain drain.

Ken Pinkham: Will do.

- C. At its discharge end, place a concrete headwall along the bank of the gully for the curtain drain.

Ken Pinkham: Will do.

Comment #6: Cite the date that the Town Planner's representative verified the Corp of Engineers jurisdictional wetlands.

Ken Pinkham: It will be included in the general notes.

Comment #7: Show an easement through Lot #3 for the Lot #2 driveway. Provide a 20'x30' emergency vehicle turnaround at the intersection of the Lot #2 driveway with the existing common driveway. Label the common driveway. Include a typical section detail of the common driveway pavement in the plans.

Ken Pinkham: Yes.

Comment #8: Provide sight distance triangles at driveway / road intersections (ref. NYSDOT Highway Design Manual §5.9.5). Note that area of the sight triangle to be kept free of visual obstructions.

Ken Pinkham: Yes.

Comment #9: Add note stating: "For Lot #1, no site preparation or construction, including utility connections, shall commence before a valid Driveway Permit has been secured from the Town of Warwick Department of Public Works."

Ken Pinkham: We will add to the plan.

BEFORE FINAL APPROVAL:

Comment #10: Provide the declaration and the recording information on the plan for Agricultural Notes, and Common Driveway Use and Maintenance Agreement Notes.

Ken Pinkham: Yes.

Comment #11: Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners.

Ken Pinkham: Yes.

Comment #12: Pay parkland fees.

Ken Pinkham: Yes.

Comment #13: Pay outstanding review fees.

Ken Pinkham: Yes.

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

Mr. Bollenbach: We need to revise the SBL designation the 74.5 lot designation was the parent parcel which created 3 lots. This is two of those lots. The SBL # has to be revised.

Mr. Astorino: We will make that comment #14; revise SBL #.

Mr. Bollenbach: Yes.

Mr. Astorino: This is a public hearing. If there is anyone in the audience wishing to address the Steve Sarbak application, please rise and state your name for the record. Let the record show no public comment.

Mr. Showalter makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: Sarbak Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed three lot subdivision, 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 4/9/07, 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. Showalter makes a motion to close the public hearing.

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

Mr. McConnell: John, is there any possibility for any of the lots being further subdivided?

Mr. Bollenbach: It is not a cluster. They don't meet the criteria.

Mr. McConnell: They don't. Ok.

Mr. Bollenbach: Would you like a no further subdivision note?

Ken Pinkham: I believe that note should be reflected on the plan. The owners are here tonight. There would be no problem with that.

Mr. Astorino: We will add a comment #15; no further subdivision.

Ken Pinkham: Ok.

Mr. McConnell: Thank you.

Mr. Kowal makes a motion on the Steve Sarbak application, granting final approval for a proposed 3-Lot subdivision, situated on tax parcel S 17 B 1 L 74.5; parcel located on the western side of Distillery Road and West Ridge Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York, subject to the following conditions:

1. Same shading is used for proposed driveway as is used for delineated wetlands. Differentiate.
2. Delineate the area of disturbance consistent with Note 12.
3. The Soil Scientist's report states that in the vicinity of the proposed septic field, water may perch seasonally at 30 inches below the surface. Applicant has not modified the design of the septic absorption field. Provide the following:
 - a. Completely surround the absorption field with the designed curtain drain.

- b. Place clean-outs on uphill and downhill locations along the surrounding curtain drain. Place a note on the plan that the property owner is responsible for the continued maintenance of the curtain drain.
 - c. At its discharge end, place a concrete headwall along the bank of the gully for the curtain drain.
4. Cite the date that the Town Planner's representative verified the Corp of Engineers jurisdictional wetlands.
5. Show an easement through Lot #3 for the Lot #2 driveway. Provide a 20'x30' emergency vehicle turnaround at the intersection of the Lot #2 driveway with the existing common driveway. Label the common driveway. Include a typical section detail of the common driveway pavement in the plans.
6. Provide sight distance triangles at driveway / road intersections (ref. NYSDOT Highway Design Manual §5.9.5). Note that area of the sight triangle to be kept free of visual obstructions.
7. Add note stating: "For Lot #1, no site preparation or construction, including utility connections, shall commence before a valid Driveway Permit has been secured from the Town of Warwick Department of Public Works."
8. Provide the declaration and the recording information on the plan for Agricultural Notes, and Common Driveway Use and Maintenance Agreement Notes.
9. Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners.
10. Pay Parkland Fees.
11. Pay Outstanding Review Fees.
12. Revise S-B-L Designation to S 17 B 1 L 74.52 and L 74.53.
13. Provide No Further Subdivision Note.

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

Ken Pinkham: Thank you.

PUBLIC HEARING OF Gary Randall

Application for site plan approval for the construction and use of co-location of antennas on an existing communications tower and installation of pad mounted radio equipment and wood fencing, entitled, *Warwick North Communications Facility / Dobson Cellular Systems*, situated on tax parcel S 19 B 1 L 47.2; project located on the western side of Route 94 500 feet north of Minturn Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Tony Stellato from Clough Harbour Associates.

Connie Sardo: Mr. Chairman, We have just received the certified mailings for the Warwick North/Dobson Cellular public hearing.

Mr. Astorino: Thank you.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. The applicant has provided Interference Certification by a radio frequency technical expert and a statement of structural soundness by a NYSPE for the Board's consideration and approval. (§164-80B(2) & (3))
4. Provide the Town's Building Inspector with a copy of the FCC Radio Station Authorization for CellularOne at this location within 90 days of beginning operations.
5. Board to consider accepting applicant's engineer's statement as certification that the ground mounted equipment proposed for the site will not generate noise in excess of 50dB at the property line, as required by the Town Code.
6. Within 90 days of beginning operations, submit measurements of RFR & noise to the Building Inspector, per §164-83A(1) & (2).
7. Applicant contends that the camouflaging of the existing pole will sufficiently hide antennae of the proposed size, color, number and configuration. Provide a simulation to substantiate this claim.
8. FOR THE RECORD – The Town of Warwick's Code Enforcement Officer has issued a Notice and Order of Violation (#20070465) against the operator of the existing tower for "Failure to produce monitoring measurements within 90 days of the wireless facility activation.
9. Omnipoint, the tower owner, has provided the Building Department with a "Record Drawing", accepted in lieu of an As-Built Plan. The copy of Omnipoint's sheet C-1, submitted by the applicant as Tab 9 in support of its location of the tower, should be replaced with the revised copy of the same from the "Record Drawing".
10. Pay outstanding review fees.

The following comment submitted by the Conservation Board, dated 11/7/07:

Gary Randall – The CB has no further comments.

The following comment submitted by the ARB:

Gary Randall – None Submitted.

Comment #1: Board to discuss SEQR.

Mr. McConnell: The following SEQR comment has been prepared by Mr. Ted Fink, dated 11/7/07: "Visual impacts of the additional four antennas on the existing tower are the only significant SEQR issue. It appears as if the antennas will be largely hidden by the existing tower's camouflaging but the applicant will provide a visual simulation to verify their claim of no additional impact. I have prepared a Draft Negative Declaration for this application on that basis."

Comment #2: Applicant to discuss project.

Tony Stellato: This is a co-location by Cellular One on an existing tree type monopole. This is located on Gary Randall's property. The monopole is 100 feet tall. Currently, it supports T-Mobile's antennas. This will be the 2nd carrier on the pole. We have a photo simulation to show you. We also put this photo simulation into 8-1/2x11 in your packets.

Comment #3: The applicant has provided Interference Certification by a radio frequency technical expert and a statement of structural soundness by a NYSPE for the Board's consideration and approval. (§164-80B(2) & (3).

Mr. Astorino: We have that.

Comment #4: Provide the Town's Building Inspector with a copy of the FCC Radio Station Authorization for Cellular One at this location within 90 days of beginning operations.

Tony Stellato: I have double-checked with Cellular One's regulatory compliance people who had advised me that the only time they are required to file with the FCC on a new installation within the market is if the site affects the outlying boundary of the market. There is a certain perimeter coverage. This site is in the interior of the market. The FCC doesn't even require that the site be individually registered.

Mr. Astorino: We have a memo from Tectonic, dated 10/30/07. The memo is stated as follow:

MEMORANDUM

TO:	Benjamin Astorino – PB Chmn.	cc:	Edward S. Butler, P.E.	Kirk
	M. John Batz, Sr. – Bldg. Inspector		Rother, P.E. – Wireless Comm.	
FROM:	Zenon C. Wójcik			
SUBJECT:	Warwick North Comm. Facility			
	TEC W.O. 532.0307WNO			
DATE:	October 30, 2007			

I spoke with Mr. Batz this morning regarding the satisfaction of outstanding Violations by T-Mobile for their cell tower at the Randall property. Mr. Batz informed me that he has had

conversations with Yvonne Mansell of T-Mobile and they will be providing him with the certifications and data required by the Code. This data is required 90-days after starting operations. Additional information is required one year after starting operations, but the facility has not operated over a year yet.

The Planning Board was not willing to have a public hearing for the referenced application until the violations had been addressed. Mr. Batz is confident that he will have the information requested in the violation soon. Consequently, the public hearing has been placed on the November 7 agenda.

Tony Stellato: That is a separate issue. The FCC license is one question. The license is there. It is intact. This site won't affect the license and won't require the FCC to reissue the license.

Mr. Astorino: What you are saying is that had nothing to do with the 90-day of this.

Tony Stellato: The comment that you had just read has to do with the requirement of the tower owner to comply and monitoring.

Mr. Astorino: You are telling me that the FCC will not give you the 90-day. You cannot obtain that.

Tony Stellato: It is not required. The FCC won't reissue the license. If the site does not lie on the outer boundary of the market, the FCC doesn't require individual registration of the site. They simply renew the license every 4 or 5 years.

Mr. Astorino: Do we have a copy of that license?

Mr. Bollenbach: No.

Tony Stellato: We have provided a copy of the license.

Mr. Bollenbach: Provide the Building Inspector with monitoring information required in §164-83A(1)&(2) within 90 days of beginning of operations.

Tony Stellato: That would be comment #6. We agree with that.

Mr. Bollenbach: That is comment #6. Zen, could comment #4 be stricken?

Mr. Astorino: Provide us a letter from Cellular One.

Tony Stellato: Sure. I have given a letter to you Engineer. It is in the transmittal letter that I have just given you tonight.

Mr. Astorino: Ok.

Tony Stellato: Is that good enough?

Mr. Astorino: Zen, do you want something further?

Zen Wojcik: That is another question here on whether the Board would be willing to accept what Mr. Stellato has written in his letter as the certification that you need.

Mr. Astorino: He is signing and sealing it. Does the Board have any questions on that?

Mr. Bollenbach: Do you want to strike comment #4?

Mr. Astorino: It doesn't make sense to me to pursue it if that is the case.

Mr. Singer: We could accept the letter.

Mr. Kowal: Yes.

Mr. Astorino: Ok. We will strike comment #4.

Comment #5: Board to consider accepting applicant's engineer's statement as certification that the ground mounted equipment proposed for the site will not generate noise in excess of 50dB at the property line, as required by the Town Code.

Mr. Astorino: You are signing and sealing that. Is the Board ok with that?

Mr. McConnell: Yes.

Mr. Kowal: Yes.

Comment #6: Within 90 days of beginning operations, submit measurements of RFR & noise to the Building Inspector, per §164-83A(1) & (2).

Tony Stellato: We agree.

Comment #7: Applicant contends that the camouflaging of the existing pole will sufficiently hide antennae of the proposed size, color, number and configuration. Provide a simulation to substantiate this claim.

Tony Stellato: You have that.

Comment #8: FOR THE RECORD – The Town of Warwick's Code Enforcement Officer has issued a Notice and Order of Violation (#20070465) against the operator of the existing tower for "Failure to produce monitoring measurements within 90 days of the wireless facility activation.

Mr. Bollenbach: We could strike comment #8.

Comment #9: Omnipoint, the tower owner, has provided the Building Department with a "Record Drawing", accepted in lieu of an As-Built Plan. The copy of Omnipoint's sheet C-1, submitted by the applicant as Tab 9 in support of its location of the tower, should be replaced with the revised copy of the same from the "Record Drawing".

Tony Stellato: I sent someone down last week to FOIL it. We followed up on the phone today. It has been mailed to us. We don't have it yet. It is in the Building Department's files. It is on its way to us. We will send it back to you.

Comment #10: Pay outstanding review fees.

Tony Stellato: Yes.

Mr. Astorino: Do any Board members have any comments? This is a public hearing. If there is anyone in the audience wishing to address the Warwick North/Dobson application, please rise and state your name for the record. Let the record show no public comment.

Mr. McConnell makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: Dobson Cellular Co-Location

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed Site Plan for co-location of four antennas on an existing wireless "tree" pole, 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 7/9/07, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

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

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

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

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

Mr. Kowal makes a motion on the Gary Randall application, granting site plan approval for the construction and use of co-location of antennas on an existing communications tower and installation of pad mounted radio equipment and wood fencing, entitled, **Warwick North Communications Facility / Dobson Cellular Systems**, situated on tax parcel S 19 B 1 L 47.2; project located on the western side of Route 94 500 feet north of Minturn Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York, subject to the following conditions:

1. The applicant has provided Interference Certification by a radio frequency technical expert and a statement of structural soundness by a NYSPE §164-80B(2) & (3). The Board has considered and approved the certificate.
2. Board accepts applicant's engineer's statement as certification that the ground mounted equipment proposed for the site will not generate noise in excess of 50dB at the property line, as required by the Town Code.
3. Within 90 days of beginning operations, submit measurements of RFR & noise to the Building Inspector and report annually inspection per §164-83A(1) & (2). Provide map note.
4. Applicant contends that the camouflaging of the existing pole will sufficiently hide antennae of the proposed size, color, number, and configuration. Provide a simulation to substantiate this claim.
5. Omnipoint, the tower owner, has provided the Building Department with a "Record Drawing", accepted in lieu of an As-Built Plan. The copy of Omnipoint's sheet C-1, submitted by the applicant as Tab 9 in support of its location of the tower, should be replaced with the revised copy of the same from the "Record Drawing".
6. Pay outstanding review fees.

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

Tony Stellato: Thank you.

Review of Submitted Maps:***Forest Park Association of Greenwood Lake***

Application for sketch plat review for a proposed lot line change, entitled, ***Sterling Forest Castle Realty, LTD / Castle Tavern***, situated on tax parcels S 76 B 1 L 33.12 and S 76 B 1 L 116; parcels located on the corner of Lakeview Place and the northerly side of Forest Avenue, in the SM zone, of the Town of Warwick.

Representing the applicant: John McGloin, PLS.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. Note in bold on remainder of SBL 76-1-116, "NOT FOR RESIDENTIAL USE WITHOUT PLANNING BOARD APPROVAL".
4. Define a R.O.W. easement through SBL 76-1-33.12 for West Cove Road, a private road. Define an easement in SBL 76-1-116 in favor of the existing SBL 76-1-33.12 driveway.
5. Show the locations of existing sanitary sewage disposal systems and have the Town Engineer witness a dye test.
6. The Building Department has noted active Violations on SBL 76-1-33.12. Applicant and Board to discuss.
7. Provide the deed and the recording information on the map for the lot line change.
8. Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners.
9. Pay outstanding review fees.

The following comment submitted by the Conservation Board, dated 11/7/07:

Forest Park Association of Greenwood Lake – The CB has no further comments.

The following comment submitted by the ARB:

Forest Park Association of Greenwood Lake – None Submitted.

Comment #1: Board to discuss SEQR.

Mr. McConnell: The following SEQR comment has been prepared by Mr. Ted Fink, dated 11/7/07: "This lot line alteration is an Unlisted Action and no other agencies are involved so a Lead Agency Resolution has been prepared. While no construction is planned as part of this action, a septic system dye test is required for the Planning Board's SEQR review. Once this information is available, the Board will be able to make a Determination of Significance."

Mr. Kowal makes a motion for Lead Agency.

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

617.6

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

Name of Action: Castle Tavern Re-Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by Sterling Forest Castle Realty, Ltd. for a \pm 0.095 acre parcel of land located at Lake View Place, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 5/17/05 was submitted at the time of application, and

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

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

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

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

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

Comment #2: Applicant to discuss project.

John McGloin: This is a proposed lot line change to alleviate property owners overlapping concerns. Right now, some of the structures on the Castle property are on the property that is owned by Forest Park. This lot line change is to alleviate those problems and clear up the title problems that exist there.

Comment #3: Note in bold on remainder of SBL 76-1-116, "NOT FOR RESIDENTIAL USE WITHOUT PLANNING BOARD APPROVAL".

John McGloin: We could do that.

Mr. Bollenbach: I am thinking about that to be "Not for residential use." Without Planning Board approval, it sort of implies that Planning Board approval may be obtained at some time in the future. This particular area is a portion of a private road and a beach area. It is not for residential purposes.

John McGloin: I have no problem with that.

Comment #4: Define a R.O.W. easement through SBL 76-1-33.12 for West Cove Road, a private road. Define an easement in SBL 76-1-116 in favor of the existing SBL 76-1-33.12 driveway.

John McGloin: We could do that.

Comment #5: Show the locations of existing sanitary sewage disposal systems and have the Town Engineer witness a dye test.

Comment #6: The Building Department has noted active Violations on SBL 76-1-33.12. Applicant and Board to discuss.

John McGloin: Ok. I would like to discuss comments 5 and 6 together. The DOH has been on this site several times. In my possession, I have their report. This has to do with the violations that are discussed in comment #6. I have Notices of Corrections from the Building Department stating that the violations have all been corrected. I have a field report from the Health Department, dated 10/30/07. I will provide that. This field report is in regards to the same violations. It states that no effluent was discovered, etc.. I also have a sketch that shows where the septic system is. We will put it formally on the plan from the owner. Just for the Board's information, the septic system is located to the east of the upper dwelling. It is nowhere near the lake. It consists of (2) large seepage pits according to the owner. The effluent is pumped up from the Castle and the lower building. There is also a grease trap there. It is forced up into the upper septic distribution area.

Mr. Astorino: Have you done a dye test?

John McGloin: No. We will talk about that further. What happened was that the Health Department was out there more than once. I have a letter from OCHD that discusses that. I will read the letter into the record. The letter is from Jane Harkinson of OCHD, dated 11/1/07 addressed to Antonio Biancardi. The letter is stated as follow:

Dear Mr. Biancardi:

A reinspection of the above establishment was conducted by Mr. Pohja, a representative of this department, on October 30, 2007.

The facility conformed to the limited number of sanitary code issues addressed at the time of the inspection.

Your continued cooperation in the maintenance of safe sanitary conditions will be appreciated.

Very truly yours,

*Jane Harkinson
Senior Public Health Sanitarian*

John McGloin: I believe that the septic system and all the sanitary facilities on this site are being reviewed and watched by the OCHD. They discharged the letter by the Building Inspector that was sent to the owner. I don't know what you would like us to do.

Mr. Astorino: I would like to see you do a dye test and have it witnessed by the Town's Engineer.

John McGloin: So, what you are saying is that the Town is going to supersede whatever the Health Department says.

Mr. Astorino: I am saying that this Board would like to see a dye test. I will ask the Board. Would the Board like to see a dye test?

Mr. Singer: Yes.

Mr. McConnell: Yes.

Mr. Showalter: Yes.

Mr. Kowal: Yes.

John McGloin: Ok. There is no problem.

Mr. McConnell: Actually, the Board doesn't want to see it. The Board wants the Engineer to see it.

Mr. Astorino: In all projects that we see in this area we require it.

John McGloin: Ok. Will do.

Comment #7: Provide the deed and the recording information on the map for the lot line change.

John McGloin: No problem.

Comment #8: Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners.

John McGloin: No problem.

Comment #9: Pay outstanding review fees.

John McGloin: No problem. Are we going to strike the violation?

Mr. Astorino: We have a letter that states the violation has been successfully corrected and this violation has been rescinded.

Mr. Bollenbach: I think there were multiple violations. Let's keep this on there. I believe there were additional violations.

Mr. Astorino: We will keep that on there.

John McGloin: I have two of them. The other one had to do with a noise complaint. That was dismissed.

Mr. Bollenbach: I think that maybe there might be ongoing concerns that adjoining neighbors might have. Perhaps the Board would want to set this for a public hearing?

Mr. Singer makes a motion to set the Forest Park Association of Greenwood Lake / Castle Tavern Lot Line Change for a Final public hearing at the next available agenda.

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

Mr. McConnell: I have a question on something that caught my eye in the Lead Agency Resolution. It says that the EAF was dated 5/17/05. Could someone enlighten me on why we have a 2-year old EAF?

John McGloin: The application was started by the applicant's counsel quite a while ago. He completed the EAF. It was not me.

Mr. McConnell: Is there any need to have someone certify that there is no updating necessary?

Mr. Astorino: The property has not changed. I believe what is on the EAF should be correct.

John McGloin: It is a short form. If there needs to be one done, I could certainly do it.

Mr. Astorino: Touch base with Ted on that.

Mr. McConnell: Make a note of that. We will discuss it at the next work session.

Mr. Astorino: Sure. That is not a problem. We will put that on the work session to discuss.

John McGloin: Ok. We will schedule a dye test. Which documents that you don't have? Is it stuff from the Health Department?

Mr. Astorino: Yes.

John McGloin: Ok. Thank you.

Mary Ellen Riccardo

Application for sketch plat review of a proposed 2-Lot (Minor) Subdivision, situated on tax parcel S 16 B 1 L 33; parcel located on the eastern side of Chardavoynne Road 750 feet north of the intersection with Mountainside Road, in the RU zone, of Town of Warwick.

Representing the applicant: Ron Cabriele, P.E.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. Plan format comments:
 - a. Location Map is almost illegible; revise. (Note that copyrighted material must only be used with the permission of the copyright holder.)
 - b. The Zoning Data table misstates the zoning district as "RA". The table must include the use classification as well as the use group requirements.
 - c. Show a north arrow on the plan and the Location Map. Provide a scale for the Location Map and a bar scale for the plan.
 - d. Show on the plan an overlay district table (Traditional Neighborhood, Ridgeline, Aquifer and Agricultural). Indicate whether or not the project is within any of these districts.
 - e. In the vicinity of the proposed S.S.T.S. for Lot #1, proposed contours are mislabeled. In the proposed grading for sight distance on Lot #2, the major contour is mislabeled.
 - f. Delineate the limits of SCS soil types on the parcel per the *Soil Survey of Orange County*.
 - g. All symbols and linetypes shall be shown in the Legend.
 - h. Provide a location on the plan for the signature and seal of the surveyor.
4. Show a 5000 sf buildable area on each lot, consistent with §137-21A. For each lot, show that a 200-ft. square can be inscribed, per §137-21K(1).
5. The proposed subdivided lots have insufficient lot area per the Table of Bulk Requirements. Board and applicant to discuss referral to ZBA.
6. Lot #2 is configured as a flag lot. The depth of the strip from the roadway to the front yard line exceeds 300 feet (§137-21K(2)(a)[2]). Board and applicant to discuss.
7. Show the proposed limits of disturbance on the parcel. Estimate the area of disturbance and note on the plan.
8. Provide sufficient erosion control measures on plans consistent with the current *NYS Standards and Specifications for Erosion & Sediment Control* and include details.
9. Add note stating: "For each lot, no site preparation or construction, including utility connections, shall commence before a valid Driveway Permit has been secured from the Town of Warwick Department of Public Works"
10. Applicant to discuss sight distance. On the Sight Distance Plan, provide sight distance triangles at both driveway / road intersections (ref. NYSDOT Highway Design Manual §5.9.5). Include a declaration and the recording information that the property owner shall keep the area of the sight triangles free from visual obstructions.
11. Place the following driveway notes on the plan:
 - A. Driveways shall be designed and constructed in compliance with Section A168-19 of the town code.
 - B. At Lots #1 & #2, the driveway shall be paved in its entirety.

- C. Occupants are aware that ambulance, police and fire protection services may encounter difficulty or delay in response to emergencies where the length of the drive is over 1000 ft or the grade is greater than 10%.
12. Applicant to discuss site drainage. Provide a design and details for proposed stormwater facilities on Lot #2.
 13. Provide a design and details for proposed sanitary sewer treatment facilities. Percs and deeps must be witnessed by the Town Engineer. For absorption facilities on slopes between 15% and 20% in slope, follow the requirements of the NYSDoH Design Handbook, page 5. Provide one perc and deep test pit at each location of proposed dry wells.
 14. Place a Lighting Note on the plans: "All outdoor lights shall be designed, located, installed, and directed in such manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property. The prohibitions and requirements listed in Section 164-43.4 of the Town Code shall apply to all proposed and existing outdoor lighting fixtures."
 15. Applicant to consider an irrevocable offer of a R.O.W. strip of Chardavoyne Road.

The following comment submitted by the Conservation Board, dated 11/7/07:

Mary Ellen Riccardo - The CB has concerns regarding the steep slopes and the installation of a septic system. The proposed two lot subdivision does not comply with the Table of Bulk requirements. CB recommends that unless all other issues are satisfactorily resolved then the PB should recommend against granting a variance from the ZBA. CB recommends a site visit before proceeding too far down the approval process.

The following comment submitted by the ARB:

Mary Ellen Riccardo – None Submitted.

Comment #1: Board to discuss SEQR.

Mr. McConnell: The following SEQR comment has been prepared by Mr. Ted Fink, dated 11/7/07: "This subdivision application, which is an Unlisted Action and involves the Town Zoning Board of Appeals, does not comply with the Town Zoning Law due to insufficient lot area. The Planning Board will be unable to take any action on this application unless the ZBA issues area variances for both proposed lots. This application involves a very rugged parcel of land and will require significant disturbance of steep slopes of 15 to 25 percent including some areas of over 25 percent slope. The Planning Board is under no obligation to address SEQR at this time since the application does not meet the minimum requirements of the Town Zoning Law; Zoning compliance must be addressed by the ZBA first. The ZBA will conduct its own SEQR analysis. If variances are issued by the ZBA, then the Planning Board can address the environmental impacts of the action under SEQR."

Mr. Singer: I thought this went to the ZBA already.

Ron Cabriele: Yes. They postponed it until February. They wanted us to come to the Planning Board to discuss the project.

Mr. Astorino: Why don't you discuss the project first? Zen, there are many comments on here, could you explain?

Zen Wojcik: We had a similar circumstance in the past where an applicant came in asking for a subdivision that needed to go to the ZBA and the plans needed a lot of information. This is more or less the same thing. At that time, the Board's action was to make a recommendation to the ZBA. I understand that the comments went along with the ZBA as well. Perhaps that is the reason why the ZBA is fishing in this direction.

Mr. Astorino: Ok. Let us find out what is going on.

Zen Wojcik: The plan format comments you could skip over if you want. They are just format comments.

Mr. Astorino: Yes. That is what I mean. A lot of this seems like it needs so much work.

Ron Cabriele: Many of these comments have to be discussed before we go back to the ZBA.

Mr. Astorino: I will tell you that if I have seen these comments at the work session and it didn't go to the ZBA, it wouldn't be here right now. Please go and discuss the project.

Comment#2: Applicant to discuss project.

Ron Cabriele: It is a 6-acre parcel that the applicant wishes to subdivide into (2) buildable lots. The ZBA agreed to consider the variance for the size because this area was changed in zoning a couple of years ago. They said that they would entertain this. That is why we proceeded. We were there several months ago. We have a letter from Bob Fink stating that they would postpone this application until February so that we could iron out details with the Planning Board.

Mr. Astorino: Ok. We will skip over the format comments.

Mr. Bollenbach: They are necessary to be addressed so that the Board could review the application. Does the applicant understand that?

Ron Cabriele: Yes. We will change the location map. We will address comment #3, A-H.

Comment #3: Plan format comments:

- A. Location Map is almost illegible; revise. (Note that copyrighted material must only be used with the permission of the copyright holder.)
- B. The Zoning Data table misstates the zoning district as "RA". The table must include the use classification as well as the use group requirements.
- C. Show a north arrow on the plan and the Location Map. Provide a scale for the Location Map and a bar scale for the plan.
- D. Show on the plan an overlay district table (Traditional Neighborhood, Ridgeline, Aquifer and Agricultural). Indicate whether or not the project is within any of these districts.
- E. In the vicinity of the proposed S.S.T.S. for Lot #1, proposed contours are mislabeled. In the proposed grading for sight distance on Lot #2, the major contour is mislabeled.
- F. Delineate the limits of SCS soil types on the parcel per the *Soil Survey of Orange County*.
- G. All symbols and linetypes shall be shown in the Legend.

H. Provide a location on the plan for the signature and seal of the surveyor.

Comment #4: Show a 5000 sf buildable area on each lot, consistent with §137-21A. For each lot, show that a 200-ft. square can be inscribed, per §137-21K(1).

Ron Cabriele: Both lots could be done.

Mr. Astorino: You will need to show it.

Comment #5: The proposed subdivided lots have insufficient lot area per the Table of Bulk Requirements. Board and applicant to discuss referral to ZBA.

Mr. Astorino: We know that.

Ron Cabriele: Yes.

Comment #6: Lot #2 is configured as a flag lot. The depth of the strip from the roadway to the front yard line exceeds 300 feet (§137-21K(2)(a)[2]). Board and applicant to discuss.

Ron Cabriele: Usually a flag lot is a thin access to a larger property. What I could show, at 75 feet off the property line there is 257 feet of frontage. It meets the required frontage. It narrows down about 120 feet at the top and then it opens up again. It is a matter of semantics. The lot has sufficient width. I could put the house down at 75 feet right off the property line and not have a problem. It doesn't fit there. It doesn't work. The beauty of this land is to get a house up on the top.

Mr. Astorino: In all reality, this is a flag lot. John, am I correct?

Mr. Bollenbach: I will take a look at it.

Comment #7: Show the proposed limits of disturbance on the parcel. Estimate the area of disturbance and note on the plan.

Ron Cabriele: Will do.

Comment #8: Provide sufficient erosion control measures on plans consistent with the current *NYS Standards and Specifications for Erosion & Sediment Control* and include details.

Ron Cabriele: The right and front sides the entire length is a silt fence. We will have to modify this.

Mr. Astorino: You will need to show it on the plans.

Ron Cabriele: Yes.

Comment #9: Add note stating: "For each lot, no site preparation or construction, including utility connections, shall commence before a valid Driveway Permit has been secured from the Town of Warwick Department of Public Works".

Ron Cabriele: No problem.

Comment #10: Applicant to discuss sight distance. On the Sight Distance Plan, provide sight distance triangles at both driveway / road intersections (ref. NYSDOT Highway Design Manual §5.9.5). Include a declaration and the recording information that the property owner shall keep the area of the sight triangles free from visual obstructions.

Ron Cabriele: The Highway Design Manual §5.9.5 deals with intersections. I would have to figure out how to modify that to a driveway. It would be an intersection. Ok.

Zen Wojcik: Looking at the map, I was wondering... where the driveway for lot 2 comes out on Chardavoyne Road is really a nasty location for it to be. Why can't the entrance be towards the lower right hand corner of this lot? Have you looked into that? You have a straighter part up into Chardavoyne Road where there might be better sight distance.

Ron Cabriele: There is a massive tree. It states that it is to be removed and re-graded. It is right at the front where it says the name of the street.

Zen Wojcik: Ok. You will need to show us what will work.

Mr. Astorino: Prove to us that it would work.

Comment #11: Place the following driveway notes on the plan:

- A. Driveways shall be designed and constructed in compliance with Section A168-19 of the town code.
- B. At Lots #1 & #2, the driveway shall be paved in its entirety.
- C. Occupants are aware that ambulance, police and fire protection services may encounter difficulty or delay in response to emergencies where the length of the drive is over 1000 ft or the grade is greater than 10%.

Ron Cabriele: Ok.

Comment #12: Applicant to discuss site drainage. Provide a design and details for proposed stormwater facilities on Lot #2.

Ron Cabriele: What we were intending to do is to put stabilized swales at both sides of the driveway and the check dams. The amount of water coming off this driveway goes into the swales. It would probably never reach the front of the property. In that event, what we were going to do was put in a small detention pond. We would direct the swale on the right side into it. On the left side, we would pipe it underneath.

Mr. Astorino: Do we have those designs yet?

Ron Cabriele: No.

Comment #13: Provide a design and details for proposed sanitary sewer treatment facilities. Percs and deeps must be witnessed by the Town Engineer. For absorption facilities on slopes between 15% and 20% in slope, follow the requirements of the NYSDoH Design Handbook, page 5. Provide one perc and deep test pit at each location of proposed dry wells.

Ron Cabriele: The septic area on lot 2 is flat. The one on lot 1, we would bring in proper mix for a septic and then berm it.

Mr. Astorino: Have you done percs and deeps?

Ron Cabriele: I have done it. They weren't witnessed yet. The soil on top is good.

Mr. Astorino: Ok.

Comment #14: Place a Lighting Note on the plans: "All outdoor lights shall be designed, located, installed, and directed in such manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property. The prohibitions and requirements listed in Section 164-43.4 of the Town Code shall apply to all proposed and existing outdoor lighting fixtures."

Ron Cabriele: We will put note on plan.

Comment #15: Applicant to consider an irrevocable offer of a R.O.W. strip of Chardavoyne Road.

Ron Cabriele: That is an issue. They own most of the road in front of it. Yes, they would consider giving it to the Town. There are (2) ways of doing that. I need the current property line to meet the setbacks. We need that especially in lot 1 because the house is almost into the hillside. We need that. We could do one of two things. They could divide this off and offer it out. They could get a variance for instead of it being 75 feet back it would be 67 feet back. Or, they could get it after everything is there. Once we take it off, it would make that particular house legally non-conforming. It is whether you want to get it before or after. Then, we would have to modify the variance request. We would ask for a recommendation saying what he is giving, give him a break on that particular one not the lot bulk. That is another issue. The setbacks could be altered when that parcel is given.

Mr. Astorino: John, is that done at the end stage?

Mr. Bollenbach: Yes. But, if it is before the ZBA it is generally done if there is a favorable recommendation by the Planning Board. If someone was offering a dedication strip on a road, perhaps that could meet the setback requirements right now.

Ron Cabriele: Let us use the property for the setbacks.

Mr. Bollenbach: That is a double edge sword.

Mr. Astorino: We will have to discuss this.

Mr. Bollenbach: Yes. We will have to discuss this.

Mr. Astorino: As far as getting a recommendation from the Board, the Board will need to see more information on these plans before we even consider it. Other than that, you will need to clean up the plans and get them back to us. We will go from there.

Ron Cabriele: Yes.

Mr. Singer: Could you explain what kind of recommendation do you want?

Ron Cabriele: In consideration of giving the Town the road...

Mr. Singer: I understand that. What else do you want?

Ron Cabriele: Particularly on lot 1, the property line to the house is 75 feet. If I give you the property and take 6 or 7 feet off, would you recommend that the ZBA give us a variance?

Mr. Singer: That is not the only variance that you want. You want other variances.

Ron Cabriele: The other variances are bulk requirements on the lots. That is not your prevue. It is theirs.

Mr. Singer: What are you talking about?

Mr. Astorino: From what I understand, the ZBA kicked it back to us for all recommendations.

Mr. Singer: What does all mean?

Mr. Astorino: What Mr. Singer's point is, you are looking for lot area variances for what? Do you want 2 acres out of a 5-acre lot?

Ron Cabriele: One lot is 2.4.

Mr. Singer: At the ZBA meetings, the neighbors came out. What did they have to say?

Ron Cabriele: It was all negative. They don't want to see any development.

Mr. Singer: What is the reason?

Ron Cabriele: I guess they could get their subdivisions passed but nobody else could.

Mr. Bollenbach: Does the Board have a copy of the ZBA minutes?

Mr. Astorino: We could get them.

Mr. Bollenbach: Connie, make copies of the ZBA minutes for the Planning Board and put them out Monday night.

Mr. Astorino: That would be a good idea.

Connie Sardo: Ok.

Ron Cabriele: I have a letter from Bob Fink stating that they would postpone this to February while the Planning Board works out things.

Mr. Singer: It is unusual that he is doing that. I am wondering why he is sending it back to us. Ben, do you understand that?

Mr. Astorino: I haven't read the ZBA minutes yet.

Mr. Bollenbach: I haven't read the ZBA minutes yet either.

Mr. Astorino: The only thing that I could think of is that he is looking for a recommendation from the Planning Board one way or another. I don't know.

Mr. Singer: They want us to give them a negative recommendation so that we are the bad guys.

Mr. Astorino: We don't have the plans in good enough shape for us to make any recommendation at this point. Once we get them cleared up, we will be able to make a recommendation on our point.

Connie Sardo: Originally, the ZBA wanted this application to go before the Planning Board first and then go from there.

Ron Gabriele: The other issue is whether it is a flag lot or not.

Mr. Astorino: That is something we would have to get back to you on. You will need to talk to our Attorney. We will then go from there. Other than that, you will need to clear up these plans so that we could have something to review.

Ron Gabriele: All right. Thank you.

Orange and Rockland Utilities (Greenwood Lake Gate Station Heater #2)

Application for Site Plan Approval and Special Use Permit for the construction and use of a Natural Gas Heater at a Natural Gas Regulating Station, situated on tax parcel S 58 B 2 L 19; project located on the eastern side of Old Dutch Hollow Road 185 feet southeast of Old Dutch Hollow Road, in the SL zone, of the Town of Warwick.

Representing the applicant: Mr. Lipman, Attorney. Steven Fay and Thomas Rotella from O&R Utilities.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
 - a. Discuss operation of equipment. Will it produce noise or noxious smells? Will the unit radiate heat into the environment?
 - b. Discuss construction precautions to ensure public safety.
3. Discuss Map Note #10 and its applicability to this project.

BEFORE FINAL APPROVAL:

4. Pay performance bond.
5. Pay outstanding review fees.

The following comment submitted by the Conservation Board, dated 11/7/07:

O&R Utilities GWL G.S. Heater #2 - It is the understanding of the CB that this facility will use ethylene glycol. A collection system should be considered to keep this fluid on site in the event there is a leak. Also the CB is concerned about how much heat and CO2 will be released into the environment potentially having an adverse impact on vegetation, wildlife and residents.

The following comment submitted by the ARB:

O&R Utilities GWL G.S. Heater #2 – None Submitted.

Comment #1: Board to discuss SEQR.

Mr. McConnell: The following SEQR comment has been prepared by Mr. Ted Fink, dated 11/7/07: “This is an Unlisted Action and no other agency is involved. I have prepared a Lead Agency resolution for the Planning Board. SEQR issues are incorporated into TECTONIC’s review comments.”

Mr. Kowal makes a motion for Lead Agency.

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

Resolution Establishing Lead Agency
Unlisted Action Undergoing Uncoordinated Review

Name of Action: Orange & Rockland Utilities Gate Heater

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan/Special Use Permit application by Orange & Rockland Utilities, Inc. for a \pm 0.92 acre parcel of land located at Old Dutch Hollow Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 10/12/07 was submitted at the time of application, and

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

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

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

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

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

Comment #2: Applicant to discuss project.

- A. Discuss operation of equipment. Will it produce noise or noxious smells? Will the unit radiate heat into the environment?
- B. Discuss construction precautions to ensure public safety.

Steven Fay: At this facility one of the pieces of equipment that we have in operation currently is called a natural gas heater. We have to heat the gas before we reduce the pressure to maintain the gas temperature. What we intend to do at this location is install a 2nd heater. The 2nd heater would improve our system reliability. We would continue to have the old heater at the station, continue to be able to have it available to us to operate. The new heater would be the lead heater. The new heater would be more efficient than the existing heater. Regarding comment 2-A, discussing the operation of the equipment, it will radiate heat into the environment. If you burn natural gas and you are heating it, there is always some inefficiency and some loss of heat up the

stack. With this heater compared to the old heater, at an annual basis we anticipate a reduction in the heat into the environment. Regarding if it would produce noise or noxious smells, no, it is combustion of clean natural gas. There are no noxious smells. The design of these heaters is more closely compared to a design of a residential type heater. In terms of noise, these heaters are quiet. There is a noise associated with the existing heater. At this point, I could not quantify it. The new heater design would be quieter than the existing heater. Our benefit with this new design is less noise.

Mr. Bollenbach: You will need to provide calculations at the decibels of the property lines, as provided in the performance standards.

Steven Fay: We could estimate the decibel level at the property line. Yes.

Mr. Bollenbach: Ok.

Mr. Astorino: Are there any chemicals in these?

Steven Fay: Yes. The existing heater is essentially a water bath type heater. It has a glycol/water solution in it. It is similar to antifreeze. It is similar to what you have in a car radiator. That glycol solution is heated. The glycol bath heats the gas in an upper coil. It is an indirect heat transfer there. There is a volume of glycol that is associated with this heater. The design that we are proposing is a little different. There is still a glycol/water solution but the volume of glycol/water in the heater is significantly less. It is an order of magnitude less whereas the existing heater might be on the order of 500 gallons. This design would involve only about 50 or 60 gallons. The glycol is there as a freeze protection. What the new heater does it drives the steam off the glycol water solution. The steam heats the gas in the tubes and condenses and flows by gravity back to the heater. It is a closed cycle.

Mr. McConnell: The glycol as I understand it is like antifreeze in a car. That is what you compared it to. That is highly toxic. Is there any ability to use something that is not highly toxic to perform the same function? We are talking about an area that has wildlife, groundwater, etc... I know that they tell you if you change the antifreeze in a car, you need to dispose of it properly.

Steven Fay: Right.

Mr. McConnell: We are not talking about going from 900 to 50 gallons. We are talking about going from 900 gallons to 950 gallons. We are going to increase the amount of glycol on the site.

Steven Fay: Right.

Mr. McConnell: Is there any ability to change that to something that is non-toxic?

Steven Fay: Traditionally, the choice has been ethylene glycol, which is what you would see in an automobile. There are other products on the market-offering, propylene glycol, which is essentially non-toxic. At this point, I don't think we have determined one way or another for certain if we could use propylene glycol. There have been problems with the other glycol in terms of corrosion. The ethylene glycol has corrosion but it is very forgiving. That is why they use that in car radiators.

Mr. McConnell: In the alternative, is there some sort of containment?

Steven Fay: There is no proposal for containment.

Mr. McConnell: I personally would like to see something that addresses the toxicity of the materials used, now that we are aware that you have 900 gallons of highly toxic substance in the middle of our woods. That worries me.

Mr. Astorino: Some sort of containment would be good at the very least.

Mr. McConnell: Yes.

Mr. Showalter: Is it purely all ethylene glycol or is it a mix?

Steven Fay: It is a 50/50 mix.

Mr. McConnell: If it spills, you cannot separate it out. It is 900 gallons in the ground.

Steven Fay: The 900 gallons is what is existing.

Mr. Lipman: What is this material contained in?

Steven Fay: It is in a steel vessel.

Mr. Lipman: Is it sealed?

Steven Fay: Yes.

Mr. Showalter: How many of these stations does O&R maintain throughout their service area regarding these gas heaters?

Steven Fay: In Orange County, this particular GWL station is the only station that O&R operates the heater. Columbia Gas our supplier operates the heaters at those other stations. In Rockland County, it is a slightly different situation. We have two or three stations where we own and operate the heaters. There are three other stations that are the supplier that operates and maintains the heaters.

Mr. Lipman: Are they all similar?

Steven Fay: Yes. The design is similar.

Mr. Showalter: In over the years that you know of, how many leaks and failures have happened? This might help the public and everyone else understand. Are they prone to leakage? Are they well constructed?

Steven Fay: If you maintain the glycol, the solution with corrosion there is typically no corrosion involved in the carbon steel. That is one of the reasons that it is used. We have not had any incidents to date.

Mr. Showalter: How often do you service and change the fluid?

Steven Fay: We don't change the fluid. We check it and make sure the ph, the freeze points, and corrosion are maintained. We check that periodically just to maintain the solution.

Mr. Showalter: It sounds like you are keeping up with the system.

Steven Fay: Yes.

Mr. Astorino: If you have these sites sitting on a concrete pad and everything is contained on that pad, if you put a containment berm around that concrete pad, just in case something sprung a leak, are there roofs on these sites?

Steven Fay: No.

Mr. Astorino: That would have issues.

Mr. McConnell: The other thing is if the glycol needs to be resupplied on some regular basis, what is the provision for containing spillage?

Steven Fay: I wouldn't say that is a rare occurrence but it is infrequent. What we are adding is water not glycol. If anything evaporates, it would be the water.

Mr. McConnell: How would it evaporate if it is a closed system?

Steven Fay: It is a closed system, but there is an expansion tank above it too. The glycol water solution is essentially at ambient pressure. It has an expansion tank above it. It has an atmospheric vent. There could be some loss of water.

Mr. McConnell: It is really not a sealed system.

Steven Fay: Technically, it is not sealed in that.

Mr. Showalter: Dennis, it is like your heater at home. It is like your baseboard heat at home. There is an air vent that lets it vent out.

Mr. McConnell: If it vents water, then why isn't it possible to vent glycol?

Thomas Rotella: The water bath is maintained in the order of 160 or 170 degrees. You could have some water evaporation.

Mr. Showalter: The water molecules would evaporate quicker than the glycol.

Thomas Rotella: The existing heater that is there is a typical heater that is used throughout the country in the gas industry. It is typical with what we operate now and what Columbia Gas operates. In this case, we took a look out there on what is in the market as far as new technology. It will be more quiet.

Mr. Bollenbach: Is this the same site that had an odorizer installed?

Mr. Lipman: Yes.

Mr. Bollenbach: I don't recall seeing a heater on that prior submission. Zen, do you recall that?

Zen Wojcik: There were several items within that gated area. The Board wasn't really interested in what was there that was existing because it was existing. The Board was interested in what was being proposed to be added. That is what they showed.

Mr. Bollenbach: Just take a look to see if it does show that it was previously existing.

Zen Wojcik: I don't think they labeled the items. We will take a look at it.

Mr. Kowal: How many BTU's is the new one?

Steven Fay: The new one would consist of (2) heaters. Each one would be at about .77 million. The total is approximately 1.5 million BTU.

Mr. Kowal: Each one would be ten times larger than a regular house heater.

Steven Fay: It would be about 5 or 6 times larger. A typical house boiler is about 100,000 to 130,000. This is 770,000 roughly. It is typically what goes into a commercial building.

Comment #3: Discuss Map Note #10 and its applicability to this project.

Steven Fay: Map note 10 should have been taken off. It is a carryover from the odorizer project. It has to do with the roof color. There is no roof associated with this equipment. The heat exchanger would typically be insulated and would have an aluminum jacket around the insulation. For whatever reason, the existing heater was painted black. I don't know the reasoning for that was back then. It was painted black. If there is an objection to the aluminum jacketing type over the insulation, then we could paint that something different. That would be what we propose.

Mr. Bollenbach: We would be looking for earth tone colors. It would be similar to the odorizer application. Why should it be different on this? There is a concern with visual impact color.

Zen Wojcik: You could paint it an off white or a beige.

Steven Fay: Right.

Mr. McConnell: What further modifications, additions, alterations, and improvements are you contemplating for this site? I am surprised that this has come to us in two different applications. When you did the odorizer, was there no consideration that you were also going to be thinking about replacing the heater?

Steven Fay: There was. At that point, we didn't have a specific design. We weren't prepared to submit a design without detail.

Mr. McConnell: What else is on the table that you are considering for this site?

Steven Fay: As far as O&R is concerned, there is nothing.

Thomas Rotella: There is nothing in the plans or in the budget.

Mr. McConnell: There is nothing in a typical installation that you could project.

Steven Fay: Pretty much everything will be there.

Mr. McConnell: Pretty much everything?

Steven Fay: We will have everything that we need there.

BEFORE FINAL APPROVAL:

Comment #4: Pay performance bond.

Steven Fay: Yes.

Comment #5: Pay outstanding review fees.

Steven Fay: Yes.

Mr. Bollenbach: We have a comment from the CB, dated 11/7/07 regarding containment facilities.

Mr. Astorino: Could we set this for a public hearing?

Mr. Bollenbach: Yes.

Mr. Singer makes a motion to set the O&R Utilities GWL GS Heater #2 application for a public hearing at the next available agenda.

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

Steven Fay: Thank you.

Douglas Tinnirello

Application for Sketch Plat Review of a proposed 3-Lot cluster (Minor) subdivision, situated on tax parcels S 49 B 1 L 56 & L 45.42; parcels located on the southeast side of NYS Route 94 1000 feet southwest of Wawayanda Road, in the RU zone, of the Town of Warwick.

Representing the applicant: Rusty Tilton from New Horizon Engineering.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
 - A. Revise Site Context Plan, Existing Resource Plan, and 4-Step Plans per the Town Planner's recommendations.
 - B. Provide an Agricultural Data Statement on the Town's standard form.
2. Applicant to discuss project.

YIELD PLAN: (DATED 10/15/07)

3. Plan format comments:
 - A. The correct zoning district name is "RU".
 - B. Include the name and address of the owner/applicant on the plan.
 - C. Remove Note 15.
 - D. Show on the plan an overlay district table (Traditional Neighborhood, Ridgeline, Aquifer and Agricultural). Indicate whether or not the project is within any of these districts.
 - E. Delineate the limits of SCS soil types on the parcel per the *Soil Survey of Orange County*.
 - F. All symbols and linetypes shall be shown in the Legend.
4. Show a 5000 sf buildable area on each lot, consistent with §137-21A.
5. Provide percs & deeps witnessed by the Town Engineer and an engineered sanitary sewage disposal system or use the Environmental Control Formula (§164-41.3).
6. Show the proposed limits of disturbance on the parcel. Estimate the area of disturbance and note on the plan.
7. The proposed private road traverses over terrain that has 15%-20% slopes. Provide a Profile of the road, and proposed grading on the Yield Plan, to show that the road can be built with a maximum grade equal to or less than 15%.

CLUSTER PLAN: (DATED 10/15/07)

8. Revise per comments 3, 4, & 6 above.
9. Provide percs & deeps witnessed by the Town Engineer and an engineered sanitary sewage disposal system. Include details for all features.
10. Provide a Profile and Typical Cross-Section of the proposed common driveway. Show grading for the drive on the plan.
11. The common driveway entrance details shall conform to NYSDOT Metric Standard Sheets. Add note stating: "No site preparation or construction, including utility connections, shall commence before a valid highway entrance permit has been secured from the New York State Department of Transportation."
12. On the Plan view, show the width of Rt. 94, the location of the intersection of Old Brook Lane, and all driveways adjoining or opposite the parcel.

13. Provide sight distance triangles at common driveway/road intersection (ref. NYSDOT Highway Design Manual §5.9.5). Dimension sight triangles. Indicate that actual sight distance equals or exceeds minimum sight distance. Include a note that the area of the triangles shall be kept free from visual obstructions.
14. Note on the plan the date that wetlands were delineated and provide a jurisdictional determination from the Corps of Engineers.
15. Applicant to consider an irrevocable offer to the Town of a R.O.W. strip along Wawayanda Road.

The following comment submitted by the Conservation Board, dated 11/7/07:

Douglas Tinnirello - 40 foot buffer area is inadequate. Was this formerly an orchard? If so, soil testing should be required. Application needs to comply with 4-Step planning process. CB recommends a site visit before proceeding further.

The following comment submitted by the ARB:

Douglas Tinnirello – None Submitted.

Comment #1: Board to discuss SEQR.

Mr. McConnell: The following SEQR comment has been prepared by Mr. Ted Fink, dated 11/7/07: “This is an Unlisted Action and there are other agencies involved (ZBA and DOT). These agencies will make their own determination of significance under SEQR but the Planning Board can initiate its SEQR review by declaring itself Lead at this time. There are several SEQR issues that will need to be addressed as identified in TECTONIC’s review comments.”

Mr. Showalter makes a motion for Lead Agency:

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

617.6

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

Name of Action: Tinnirello Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by Douglas Tinnirello for a ± 11.56 acre parcel of land located at State Route 94 (New Milford Road), Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 10/17/07 was submitted at the time of application, and

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

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

Whereas, after examining the EAF, the Planning Board has determined that there are other involved and/or federal agencies on this matter.

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

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

- A. Revise Site Context Plan, Existing Resource Plan, and 4-Step Plans per the Town Planner's recommendations.
- B. Provide an Agricultural Data Statement on the Town's standard form.

Rusty Tilton: Ok. We had intended to submit the Ag Data Statement and the supporting information. Somehow, that did not make it in. It will be in the next submission.

Mr. Astorino: You will need to talk to the Planner on these.

Rusty Tilton: I did give Ted a call. I have a question on the Lead Agency. As far as the other involved agencies go, I had indicated that the ZBA and DOT would be involved. We are on a State road. We will be having an entrance proposed on a state road. Is the ZBA going to be an involved agency? I was under the impression since we were looking to create lots without frontage on a public road that we would require 280a variance.

Mr. Astorino: Are you off a Private road?

Rusty Tilton: We are proposing a Private road to construct a private road for (2) lots.

Mr. Bollenbach: That would be an open area development road. If you were going to access onto an existing private road then you wouldn't need that.

Rusty Tilton: Ok.

Comment #2: Applicant to discuss project.

Rusty Tilton: This is a proposed 3-lot cluster subdivision located in the RU zone. It is located just south of Wawayanda Road in between Wawayanda and Old Brook Lane. The parcels combined are approximately 11.5 acres in size. It also has frontage on Wawayanda

Road. We do not intend to utilize that frontage for access due to drainage. There is a creek that runs through the property. There is an existing dwelling on the 11.5 acres. The plan is to construct a common driveway to service (2) new 1-acre lots. We would have the remaining 9.5 acres remain with the existing dwelling. That would be preserved as open space through a conservation easement. At this point on the cluster plan, we have tried to locate the lots away from Route 94 in an effort to preserve the viewshed. We thought that pushing the lots off the road would help preserve the viewshed and make the lots more attractive due to the noise concerns. The existing dwelling has (2) access points. One has poor sight distance. The intent was to eliminate the access to the existing dwelling with the poor sight distance and create one new access point at the north side of the property where there is currently (2) other access points to the dwellings just off the property. We would have a pair of (3) access points there. We thought that would make the most sense and would also provide for no net increase in access points onto the State Highway. That is what we are looking to do.

Mr. Singer: I believe that Mr. Tinnirello lives on Wawayanda Road.

Rusty Tilton: Yes. He does.

Mr. Singer: I see on the map that there are (2) lots between this proposed subdivision and Wawayanda Road facing Route 94. Is that your client's property?

Rusty Tilton: One of them is.

Mr. Singer: Which one? Is it the one on Wawayanda Road?

Rusty Tilton: The one on Wawayanda Road is John Tinnirello, which is the Father. The one that is a little bit closer to this project is the son's property. There is an adjoiner between them that as far as I know is not related.

Mr. Singer: The one with that structure on it, who is that?

Rusty Tilton: That is John Tinnirello the Father of the applicant.

Mr. Singer: What is the story with that structure?

Rusty Tilton: That I am not 100% sure of.

Mr. Singer: Is it in violation? Is it legal? What is the story?

Rusty Tilton: I do not know.

Mr. Singer: Could we ask?

John Tinnirello: The status of that piece of property is dormant at this point. It was approved for a building permit. It has since expired. We intend to rejuvenate the whole process relatively soon within a year or two. Right now, it is just static. The permit we had is expired. That is where we are at now.

YIELD PLAN: (DATED 10/15/07)

Comment #3: Plan format comments:

- A. The correct zoning district name is "RU".
- B. Include the name and address of the owner/applicant on the plan.
- C. Remove Note 15.
- D. Show on the plan an overlay district table (Traditional Neighborhood, Ridgeline, Aquifer and Agricultural). Indicate whether or not the project is within any of these districts.
- E. Delineate the limits of SCS soil types on the parcel per the *Soil Survey of Orange County*.
- F. All symbols and linetypes shall be shown in the Legend.

Rusty Tilton: Ok. We will show that on the next submission.

Comment #4: Show a 5000 sf buildable area on each lot, consistent with §137-21A.

Rusty Tilton: Ok. It does exist. We will identify it.

Comment #5: Provide percs & deeps witnessed by the Town Engineer and an engineered sanitary sewage disposal system or use the Environmental Control Formula (§164-41.3).

Rusty Tilton: We have done soil test on this site. Once we define where the proposed lots would be, we plan on taking care of the conventional, the clustering, and the witnessing at the same time.

Comment #6: Show the proposed limits of disturbance on the parcel. Estimate the area of disturbance and note on the plan.

Rusty Tilton: We could do that.

Comment #7: The proposed private road traverses over terrain that has 15%-20% slopes. Provide a Profile of the road, and proposed grading on the Yield Plan, to show that the road can be built with a maximum grade equal to or less than 15%.

Rusty Tilton: It will be indicated on our next submission.

Mr. Astorino: Zen, regarding the cluster comments is there anything different on here?

Zen Wojcik: No.

Mr. Astorino: We will list comments 8 through 15 for the record.

CLUSTER PLAN: (DATED 10/15/07)

Comment # 8: Revise per comments 3, 4, & 6 above.

Comment #9: Provide percs & deeps witnessed by the Town Engineer and an engineered sanitary sewage disposal system. Include details for all features.

Comment #10: Provide a Profile and Typical Cross-Section of the proposed common driveway. Show grading for the drive on the plan.

Comment #11: The common driveway entrance details shall conform to NYSDOT Metric Standard Sheets. Add note stating: "No site preparation or construction, including utility connections, shall commence before a valid highway entrance permit has been secured from the New York State Department of Transportation."

Comment #12: On the Plan view, show the width of Rt. 94, the location of the intersection of Old Brook Lane, and all driveways adjoining or opposite the parcel.

Comment #13: Provide sight distance triangles at common driveway/road intersection (ref. NYSDOT Highway Design Manual §5.9.5). Dimension sight triangles. Indicate that actual sight distance equals or exceeds minimum sight distance. Include a note that the area of the triangles shall be kept free from visual obstructions.

Comment #14: Note on the plan the date that wetlands were delineated and provide a jurisdictional determination from the Corps of Engineers.

Comment #15: Applicant to consider an irrevocable offer to the Town of a R.O.W. strip along Wawayanda Road.

Rusty Tilton: I have one question regarding comment #14 pertaining to the jurisdictional determination on the ACOE wetlands. We had them delineated by ERS Consultants. At the present time on the cluster layout, we have no proposed construction within several hundred feet of them. We would like to know if we could have the Town Engineer verify it.

Mr. Bollenbach: Get in touch with Ted.

Mr. Astorino: Get in touch with Ted. Ted will contact Karen and have her go out and verify it.

Rusty Tilton: Ok.

Mr. Singer: In comment #7, you were talking about a Private road being built. When we were talking earlier, you were talking about a common driveway. You should clarify which it would be because there are different specifications of it.

Rusty Tilton: We are looking to put in a common driveway. The private road was what was shown on our yield plan. What we intend to build on our cluster subdivision; we are proposing a common drive.

Mr. Astorino: Does the Board have anything else?

Mr. Bollenbach: The Conservation Board had a comment on whether or not this was a former apple orchard. Do you remember the farmer's name? I know that he was an old timer that had done some farming.

Rusty Tilton: His name was Bill Pratt. I believe this was part of the old Pratt Farm.

John Tinnirello: As far as I know, there were no apple trees on this piece of property or the fields behind it, approximately 8 or 9 acres worth.

Mr. Astorino: To that degree, maybe you would want to do soil samples of the buildable area.

Rusty Tilton: Maybe. We could look at some old aerials.

Mr. Astorino: That would be good. You could do that.

Mr. Singer: I was talking to Bill Prol about this project. He said to make sure you do soil tests because it was an orchard.

Mr. Astorino: We will see what we have once we get some aerials.

Rusty Tilton: Ok. Thank you.

Ron Giglio

Application for Site Plan Approval for the renovation on an existing home located within “A Designated Protection Area” of Greenwood Lake, situated on tax parcel S 73 B 9 L 19; project located on the south side of 404 Jersey Avenue 5 feet south of existing structure, in the SM zone, of the Town of Warwick.

Representing the applicant: Bill Prol, Developer.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
 - A. Provide a Visual EAF Addendum and line-of-sight assessment.
 - B. Provide additional photos.
2. Applicant to discuss project.
3. Sheet SK-1 notes: “Replace exist. 1 story wood framed covered porch w/stone & conc. walk”. Sheet SK-2, and others, notes: “New porch”. Applicant to clarify.
4. Provide sight distance triangles at driveway/road intersection (ref. NYSDOT Highway Design Manual §5.9.5). Dimension sight triangles. Indicate that actual sight distance equals or exceeds minimum sight distance. Include a note that the area of the triangles shall be kept free from visual obstructions.
5. FOR THE RECORD – A one-day septic dye-test was performed on October 23, 2007. No problem was detected with the existing system.
6. Provide temporary erosion control measures around areas of proposed disturbance.

The following comment submitted by the Conservation Board, dated 11/7/07:

Ron Giglio – CB recommends as has become customary that the owner upgrade septic system to Elgin type aerobic.

The following comment submitted by the ARB:

Ron Giglio – None Submitted.

Comment #1: Board to discuss SEQR.

Mr. McConnell: The following SEQR comment has been prepared by Mr. Ted Fink, dated 11/7/07: This is an Unlisted Action and no other agency is involved. I have prepared a Lead Agency resolution for the Planning Board. SEQR issues are incorporated into TECTONIC’s review comments.

Mr. Showalter makes a motion for Lead Agency:

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

Resolution Establishing Lead Agency
Unlisted Action Undergoing Uncoordinated Review

Name of Action: Giglio Residence Renovations

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan application by Ron Giglio for a ± 0.16 acre parcel of land located at State Route 210, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 10/17/07 was submitted at the time of application, and

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

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

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

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

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

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

Comment #2: Applicant to discuss project.

Bill Prol: The Engineer is working on that. I know that he spoke to Zen about it. Regarding the photos, I have provided some photos. Photo 1, shows the front of the existing house. Photo 2, shows it coming out of the existing driveway that goes to the house. Photo 3, shows it going down the road. Photo 4, shows the dock in the back. Photos 5 and 6, shows the rear yard of the house. Photos 7, 8, and 9, also show the rear yard looking out to the lake. Photo 10, shows the front of the existing residence facing northeast. Photo 11, shows the existing garage that is there. That was recently built about 1-1/2 years ago. This is what the house will look like once we complete the renovation.

Mr. Singer: The garage doesn't look like a garage. It looks like someone is living there.

Bill Prol: There is a side entrance there. He has (2) cars underneath and some storage space above. There is a light there.

Mr. Astorino: It is a nice garage.

Bill Prol: Yes. It is nice. What he plans on doing is a mini extreme makeover.

Mr. Bollenbach: Is he increasing the footprint?

Bill Prol: Not really. There is a footing going outside in the rear. There is a concrete deck there right now.

Mr. Bollenbach: Is that a proposed roof extension?

Bill Prol: If you look on the plan at A4-01 from the work session, it shows an existing concrete deck with the porch as the pictures show. We are coming over the top of that. On the plan, it shows the existing porch and what it will look like when it is done. We are putting in the footings. That is why we are here. We are here because of the footings.

Comment #3: Sheet SK-1 notes: "Replace exist. 1 story wood framed covered porch w/stone & conc. walk". Sheet SK-2, and others, notes: "New porch". Applicant to clarify.

Bill Prol: If you look at photo 10, the existing wood porch overhang is sitting on a concrete pad with stone. That is all coming out. A new porch will be put in its place.

Mr. Astorino: Ok. That whole porch is coming down.

Bill Prol: Correct.

Mr. Astorino: The concrete pad is coming out.

Zen Wojcik: I thought they were replacing it with a stone and concrete walk.

Bill Prol: Yes. The way they had it written there was confusing.

Comment #4: Provide sight distance triangles at driveway/road intersection (ref. NYSDOT Highway Design Manual §5.9.5). Dimension sight triangles. Indicate that actual sight distance equals or exceeds minimum sight distance. Include a note that the area of the triangles shall be kept free from visual obstructions.

Mr. Astorino: Are we changing the driveway?

Bill Prol: No. There is no change to the driveway. It remains the same. He did it anyway. It is in these new papers that I have just given you.

Zen Wojcik: Mr. Chairman, it is one of those cases that we have in Greenwood Lake where we have a garage right up next to the road. They are not going to get any sight distance. What we are going to ask them to do is write a letter to the DOT saying please put up a sign and there is a driveway up ahead. This would be for mitigation purposes.

Comment #5: FOR THE RECORD – A one-day septic dye-test was performed on October 23, 2007. No problem was detected with the existing system.

Comment #6: Provide temporary erosion control measures around areas of proposed disturbance.

Bill Prol: It is on the new plan that was submitted.

Mr. Bollenbach: Are you increasing the number of bedrooms?

Bill Prol: No.

Mr. Astorino: It is just the porch that we are talking about.

Bill Prol: No. We are going up and doing a face lift to it.

Mr. Bollenbach: Are you going to increase the building...?

Bill Prol: Yes. It will be increased 8 feet.

Mr. Bollenbach: To what?

Bill Prol: The total will be 2,910 and 3/8 to the very highest.

Mr. Astorino: We don't have these plan.

Bill Prol: You have a copy of it from the workshop in a small version.

Mr. Astorino: Ok.

Connie Sardo: I don't think you gave to me 15 sets. I think I just received 4 sets.

Mr. Astorino: We will need 15 sets.

Bill Prol: It was 4 plans submitted.

Connie Sardo: I think the ARB, Ted and Zen received them. We could look in the file. Just bring me one set for the file.

Bill Prol: How many more do you need?

Connie Sardo: I need at least one set for the file.

Mr. Singer: I am looking at the proposed concrete steps and trellis on the side of the lake. What was there before?

Bill Prol: There was just a concrete step. If you look at the pictures of the back of the house, in photo 6 would show it best.

Mr. Singer: Are you just repairing those?

Bill Prol: No. Those round steps are coming out.

Mr. Astorino: You are taking out what is existing and putting in new.

Bill Prol: We are taking out the existing steps that go down. New steps will be put in with a trellis.

Mr. Singer: You are not going any closer to the lake than what is there already.

Bill Prol: No. Correct.

Mr. Singer: Ok.

Mr. Astorino: We are good with that. You will need to do a dye test.

Mr. Bollenbach: There is a comment from the Conservation Board, dated 11/7/07 that I don't understand. It states, "CB recommends as has become customary that the owner upgrade septic system to Elgin type aerobic." It is not customary. It is done on a case-by-case basis.

Mr. Astorino: We would do a dye test to see what we have.

Mr. Bollenbach: There are no additional bedrooms being added. The dye test was satisfactory.

Mr. Astorino: We are good with that.

Mr. Singer: Have we done a dye test already?

Bill Prol: Yes.

Mr. Astorino: We could set this for a public hearing.

Mr. Showalter makes a motion to set the Ron Giglio application for a public hearing at the next available agenda.

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

Bill Prol: Thank you.

Fred Gangemi #2

Application for “*Amended*” site plan approval and special use permit for the construction and use of a dock, situated on tax parcel S 74 B 5 L 49.1; project located on the eastern side of Woodland Terrace (6 Woodland Terrace) 60± feet north of Forest Road, in the SM zone, of the Town of Warwick. Previously discussed at the 8/1/07 Planning Board meeting.

Representing the applicant: None.

The applicant or their representative was a no show for the Planning Board meeting.

Mr. Bollenbach: I have sent a letter to the Building Inspector to grant the permission to sheath in the structure.

Mr. Astorino: Yes. We have that letter in our packets.

Mr. Bollenbach: I would just like to make a comment that the Board might want to reconsider that. That was my point.

Mr. Showalter: John, was it to sheath the structure?

Mr. Bollenbach: It was to sheath the structure. It was discussed at the last work session. There were only (3) Board members present.

Mr. Showalter: I was at school.

Mr. Bollenbach: I know. I am saying that this is the impetuous to get the applicant before us.

Mr. McConnell: Yes.

Mr. Bollenbach: Maybe, it is just a coincidence...

Mr. Astorino: John, you have such a devious mind.

Mr. Singer: There seems to be a disconnect with this applicant time and time again.

Mr. Bollenbach: Bingo.

Mr. Astorino: Even if we rescind that sheathing...

Mr. Bollenbach: Put a tarp on it.

Mr. Astorino: If this thing rots out and falls over, I don't get the point. If they put plywood on it, so be it. From what we had seen at the work session, and grant it, it is not here before use and I understand your point, I still can't see letting this thing rot. That is my point. We know the general area on where we have to go with this. The Board could have their own decision. Do you want to rescind that?

Mr. McConnell: I don't see the point in rescinding..

Mr. Astorino: Ok. We will leave it as it stands.

Mr. Singer: But, this applicant is a problem.

Mr. McConnell: Yes.

Mr. Astorino: We know that. It will not end. I still do not understand because with what happened at the work session the attorney really wanted to get this application on.

Mr. Bollenbach: There is a violation on it. I will let the Building Inspector know that the applicant was a no show. He could discuss it with Court as he sees fit.

Mr. Astorino: Ok. It doesn't make sense. This could have been ironed out. We had a discussion about it at the work session.

Other Considerations:

1. **Vieldhouse #2** – Letter from Pietrzak & Pfau, dated 10/11/07 addressed to the Planning Board – in regards to the Vieldhouse #2 Subdivision requesting Re-Approval of Final Approval on a proposed 2-Lot Subdivision, SBL # 53-1-39. Final Approval was granted on 11/1/06. **ESCROW OK.**

Mr. McConnell makes a motion on the Vieldhouse #2 application, granting **Re-Approval** of final approval for a proposed 2-Lot subdivision, situated on tax parcel S 53 B 1 L 39; property 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 11/1/06. (See attached).

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

2. **Masker Fruit Farm** – Letter from Kirk Rother, dated 10/12/07 addressed to Mike Sweeton and the Town Board regarding opting into the AP-O District.

Mr. Astorino: John, do they want our opinion on that?

Mr. Bollenbach: Yes. Kirk had provided me with the additional information. One of the lots is subject to the Ludmerer/Masker subdivision and one is also the adjoining. It is an apple orchard. They want to benefit into AP-O opting and provisions. I have reviewed it. Yes, it is within the AP-O qualifying area. I will send the Town Board a recommendation letter. Is the Board in consensus of that?

Mr. McConnell: Yes.

Mr. Kowal: Yes.

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

3. **Adele Grill Subdivision** – Letter from LAN Associates addressed to the Planning Board, dated 11/2/07 in regards to the Grill Subdivision requesting a 6-Month Extension on final approval of a proposed 4-Lot cluster subdivision, SBL # 29-1-72. Final Approval was granted on 5/16/07. *The applicant needs more time to address the conditions set forth in the final approval letter.* The 6-Month Extension becomes effective on 11/16/07.

Mr. McConnell: Does anybody remember what those conditions were?

Mr. Astorino: I think they had a number of conditions.

Zen Wojcik: Right now, it is just the legal end of it. She stopped at the office. She was very confused about what had to be done.

Mr. McConnell: Has she started living in the other place?

Zen Wojcik: She wanted to. That has been held up until they sign off on the plans.

Mr. McConnell: Ok.

Mr. Singer: Nobody is living in that other house now.

Mr. Astorino: Has she even started the work on the house yet.

Zen Wojcik: No.

Mr. Singer: We had a specific date on when they had to move out of that house. Is she asking for an extension of that date also?

Mr. McConnell: No. I don't think we had a specific date.

Mr. Showalter: Carl, she hasn't started construction.

Mr. Astorino: I think we had a certain time period from the start of construction. We didn't give a specific date. I think we gave a certain month period.

Mr. McConnell: I think it was 6, 8, or 9 months.

Mr. Astorino: It was something like that.

Mr. Showalter: I think it was 9 months from the start of construction.

Mr. Bollenbach: Zen, maybe you could double-check that.

Mr. Singer: At the time, she was telling us that they were starting the construction next week.

Mr. McConnell makes a motion on the Adele Grill subdivision, granting a 6-Month Extension on final approval of a proposed 4-Lot cluster subdivision, SBL # 29-1-72. Final Approval was granted on 5/16/07. The 6-Month Extension becomes effective on, 11/16/07.

Seconded by Mr. Kowal. Motion carried; 4-Ayes and 1-Nay (Mr. Singer).

4. Planning Board minutes of October 17, 2007 for Planning Board approval.

Mr. McConnell makes a motion to approve the October 17, 2007 Planning Board minutes.

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

Correspondences:

1. Letter from Al Walsh with Melissa Peterson, Sierra & Mikayla, addressed to Planning Board, dated 10/20/07 – in regards to the Tavalacci Subdivision (16 Points of View).

Mr. Astorino: We have that letter in our packets.

2. Orange County Partnership Office of Economic Development, dated 10/18/07 – in regards to posting PB Agendas and Minutes on the County's website.

Mr. Astorino: That is in our packets. I went to that class in Sugarloaf. What they do, it is like a clearing house for all the Towns and Municipalities. If the Town's have a website up and running, what they do is someone goes to the County's website and they link into it. They would be able to access all of our information. I think it is a good idea.

Connie Sardo: I have already seen it on there.

Mr. Astorino: Good. At the class, chair's of Planning Boards from different municipalities came. We had discussions about it. I think it is a good idea. That is out there for everyone. Does anybody have anything further?

Connie Sardo: Just to let the Board know, the Town Hall will be closed on Monday, 11/12/07 for the Veterans Holiday, but the work session will still occur that night at 7:30 p.m.

Mr. Showalter: I have a comment regarding the classes that some of us Board members have taken. Those classes are now completed. We took these classes at the O.C. BOCES. You will get to see us at work sessions again. Russ and I attended one the other night on Monday. We were not aware that it was suddenly cancelled. There was about (7) of us that showed up. The class would have been interesting to Phyllis. The class was regarding handicap accessibility and sidewalks. That class was cancelled.

Mr. Astorino: That was cancelled?

Mr. Showalter: Yes.

Phyllis Briller: They could not get there.

Mr. Showalter: I was so excited about that class. I wanted to report that back to you that we had learned something, but for some reason it was cancelled.

Connie Sardo: They did not tell me about it being cancelled.

Mr. Showalter: We need to figure out what to do about our sign in/hours.

Connie Sardo: Did they give you a sign in sheet?

Mr. Showalter: Yes.

Connie Sardo: Give to me what they gave to you.

Mr. Astorino: Yes. Give it to Connie. She is keeping track of the Planning Board member's hours.

Mr. Showalter: We didn't keep the sheet or sign anything.

Mr. Kowal: It was a certificate.

Connie Sardo: Give me a copy of your certificates.

Mr. Showalter: I didn't get one.

Connie Sardo: Just give me the hours. Email me your hours.

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.

Phyllis Briller: I would like to make the comment that the next public hearings would be on the night before Thanksgiving.

Mr. Astorino: That it is.

Phyllis Briller: There are some members of the community that would like to attend, but might be up to their elbows in preparing for the holiday.

Mr. Astorino: The Planning Board has already discussed this. To any residents, the Planning Board will accept all written correspondences. If you can't make it, you could send in your written comments. That whole week we are set up. We have a couple of meetings that week on Tuesday and Wednesday. I am sure our families will be happy with us. We have a joint meeting on Tuesday, 11/20/07 with the ARB and a Planning Board meeting on Wednesday, 11/21/07.

Mr. Singer: Was that ARB meeting confirmed yet?

Mr. Astorino: It will be confirmed for that day. We are in the process of taking care of that.

Mr. Singer: Do we have a work session this coming Monday, 11/12/07?

Mr. Showalter: Correct.

Mr. Kowal makes a motion to adjourn the November 7, 2007 Planning Board meeting.

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