

TOWN OF WARWICK PLANNING BOARD

November 17, 2010

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, November 17, 2010 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

Mr. Astorino: Our first item on the agenda this evening is a congratulation to our secretary, Connie who just got engaged. Lee, please come up to the front. We just wanted to say congratulations to you both on your engagement.

Lee Jaekel: Thank you.

Connie Sardo: Thank you.

Review of Submitted Maps:

Richard Brady Subdivision

Application for Sketch Plat Review of a proposed 2-Lot (**MINOR**) Subdivision, situated on tax parcel S 64 B 1 L 54; parcel located on the southern side of Brady Road approximately 730 feet southwest of Bowen Road Intersection, in the MT zone, of the Town of Warwick.

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

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: pending
4. Architectural Review Board comments: pending
5. OCPD: (submitted 11/09/10)
6. TW ZBA: 280(a) driveway access to a private road; 2.9 acre area for Lot 2 (required area is 5 acres).
7. §164-45.1D states that, "Existing lots in the Agricultural Protection Overlay District. Lots within the AP-O District qualifying area that were in existence on January 1, 2002, may be subdivided for one additional residential lot in accordance with the Table of Bulk Requirements of the 1989 Zoning Law for the underlying zoning district." The engineer

and planner will conduct a site inspection, complete the AP-O Checklist, and offer an opinion to the planning board.

8. The Planning Board will write a letter to the Town Board stating if the proposed subdivision substantially complies with the intent of the AP-O guidelines and then make a recommendation to consider (or not consider) adding this property to the Participating Parcels in the AP-O (Zoning, Appendix A).
9. There are three wells shown on the lot with the existing home. The purpose of all wells should be clarified.
10. The Applicant does not need to design a replacement septic system, but it should be shown that there is a location that meets all separation requirements if the existing septic system fails.
11. Is the existing Tower Lane located within the property allotted for it or does it traverse slightly onto 64-1-54 and 69-1-3.1?
12. The steeper portion of Tower Lane is approximately 15% grade. What is the current condition of this private road? What improvement would be necessary, if any, if a residential driveway was proposed off of Tower Lane?
13. The proposed driveway alignment appears to follow the contours, but it doesn't seem likely that it will be installed with this curvy alignment. Applicant should clarify if driveway will be constructed in this manner.
14. Add a note to the plan stating that the limit of disturbance line is the boundary line for construction efforts because this project is located on steep slopes and is in the Ridgeline Overlay district. Special attention should be paid to large trees that may be at risk if the trees adjacent to it are removed.
15. If, during construction, it becomes necessary to disturb additional area the planning board engineer and/or planning board must grant approval for the additional area of disturbance.
16. It may be more practical to access the proposed well location straight from Tower Lane rather than going all the way Tower Lane and then back down (over the existing swale); the Applicant may want to consider this.
17. If the dark lines on the drawing are soil lines, the soil types should be shown to clarify why these dark lines are shown on the plans.
18. If there are no NYSDEC wetlands, Federal wetlands, or FEMA Floodplains on the property, a note should be added to the plan stating this information.
19. Subdivision can not conform to the Square Rule (§137-21.K(1) Shape of Lots. The required square size is 350-ft in the Mountain Residential Zone and the Applicant is not able to comply with this requirement.
20. The septic system design appears to limit the home to having 3 bedrooms; this shall be called out on Sheet 1.
21. On Sheet 3, Drilled Well Detail, Note 13, the "Rural Water Supply" document has been superseded by Appendix 5-B (Standards for Water Wells) and Appendix 5-D (Special Requirements for Wells Serving Public Places). This should be corrected.
22. There is an existing drainage swale that runs through the proposed location of a 3.5-ft tall boulder retaining wall. How this will happen should be clarified on the plans.
23. There is a proposed concrete headwall, but there is a drainage feature that is not identified as existing or proposed before the driveway; this feature is also not labeled. This feature and its purpose should be clarified.
24. Drainage calculations have not been provided to demonstrate the adequacy of the 30-in pipe.
25. If a 30-in pipe is required, the applicant should consider a concrete pipe rather than HDPE.
26. The pipe diameters should be shown along the existing culvert/swale that is shown.

27. Sketch Plan Checklist #19 – sight distances are to be shown on the drawing.
28. The declaration information for the Agricultural and Ridgeline Notes will need to be shown on the drawing.
29. Surveyor to certify that iron rods have been set at all property corners.
30. Payment of all fees.

The following comment submitted by the Conservation Board:

Richard Brady Subdivision – None submitted.

The following comment submitted by the ARB:

Richard Brady Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This is an Unlisted Action. There is another involved agency. The other involved agency is the ZBA. The applicant will need two variances from the ZBA. Before the Planning Board could take any action, the ZBA will have to make a ruling on whether or not they would be granting the two variances. Once that is completed, then the Planning Board could declare itself Lead Agency and we could start conducting our SEQR review.

Mr. Astorino: Ok.

Comment #2: Applicant to discuss project.

Mr. Astorino: Dave, you could discuss the project tonight. I know that we have these other comments here tonight, but what we had discussed at the Work Session the issue with the road, we know it is in PDR.

Dave Getz: We don't need to go through the rest of the other comments tonight.

Mr. Astorino: Right. I will be listing the rest of the comments for the record. Dave, just discuss the project to let us know what is going on.

Dave Getz: It is a proposed 2-lot subdivision of property that is just under 6 acres in size. The property has frontage on Brady Road and Tower Lane, which is a private road. The applicant's live in one house that is in front of the property. They are proposing a 2-lot subdivision which would create another building lot at the back of the property, which is a wooded area. Today, I walked the site with Karen Emmerich, Ted Fink, and Laura Barca. We looked at the site. Because of its location and the neighboring farmland, we are proposing to be entered into the Town's AP-O Overlay District, which would allow an additional lot based upon the previous Zoning Code. This application has gone into the ZBA for review. The ZBA has asked for the Planning Board's opinion on the proposal. The purpose of today's site visit was for a Planning Board's recommendation to the Town Board for opting into the AP-O Overlay District.

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

Mr. McConnell: If you get included into the AP-O District, do you then not need the variances?

Dave Getz: We would still need the variances.

Mr. McConnell: Ok.

Mr. Bollenbach: This property is located in the MT zone. Under the prior Zoning Code, it required 3 acres. It was originally intended for this to be a 6-acre parcel. However, once it was actually surveyed it came out to be something just less than the 6 acres.

Mr. McConnell: Ok. Thank you.

Mr. Astorino: Ok. We will list comments 3 through 30 for the record.

Comment #3: Conservation Board comments: pending

Comment #4: Architectural Review Board comments: pending

Comment #5: OCPD: (submitted 11/09/10)

Comment #6: TW ZBA: 280(a) driveway access to a private road; 2.9 acre area for Lot 2 (required area is 5 acres).

Comment #7: §164-45.1D states that, "Existing lots in the Agricultural Protection Overlay District. Lots within the AP-O District qualifying area that were in existence on January 1, 2002, may be subdivided for one additional residential lot in accordance with the Table of Bulk Requirements of the 1989 Zoning Law for the underlying zoning district." The engineer and planner will conduct a site inspection, complete the AP-O Checklist, and offer an opinion to the planning board.

Comment #8: The Planning Board will write a letter to the Town Board stating if the proposed subdivision substantially complies with the intent of the AP-O guidelines and then make a recommendation to consider (or not consider) adding this property to the Participating Parcels in the AP-O (Zoning, Appendix A).

Comment #9: There are three wells shown on the lot with the existing home. The purpose of all wells should be clarified.

Comment #10: The Applicant does not need to design a replacement septic system, but it should be shown that there is a location that meets all separation requirements if the existing septic system fails.

Comment #11: Is the existing Tower Lane located within the property allotted for it or does it traverse slightly onto 64-1-54 and 69-1-3.1?

Comment #12: The steeper portion of Tower Lane is approximately 15% grade. What is the current condition of this private road? What improvement would be necessary, if any, if a residential driveway was proposed off of Tower Lane?

Comment #13: The proposed driveway alignment appears to follow the contours, but it doesn't seem likely that it will be installed with this curvy alignment. Applicant should clarify if driveway will be constructed in this manner.

Comment #14: Add a note to the plan stating that the limit of disturbance line is the boundary line for construction efforts because this project is located on steep slopes and is in the Ridgeline Overlay district. Special attention should be paid to large trees that may be at risk if the trees adjacent to it are removed.

Comment #15: If, during construction, it becomes necessary to disturb additional area the planning board engineer and/or planning board must grant approval for the additional area of disturbance.

Comment #16: It may be more practical to access the proposed well location straight from Tower Lane rather than going all the way Tower Lane and then back down (over the existing swale); the Applicant may want to consider this.

Comment #17: If the dark lines on the drawing are soil lines, the soil types should be shown to clarify why these dark lines are shown on the plans.

Comment #18: If there are no NYSDEC wetlands, Federal wetlands, or FEMA Floodplains on the property, a note should be added to the plan stating this information.

Comment #19: Subdivision can not conform to the Square Rule (§137-21.K(1) Shape of Lots. The required square size is 350-ft in the Mountain Residential Zone and the Applicant is not able to comply with this requirement.

Comment #20: The septic system design appears to limit the home to having 3 bedrooms; this shall be called out on Sheet 1.

Comment #21: On Sheet 3, Drilled Well Detail, Note 13, the "Rural Water Supply" document has been superseded by Appendix 5-B (Standards for Water Wells) and Appendix 5-D (Special Requirements for Wells Serving Public Places). This should be corrected.

Comment #22: There is an existing drainage swale that runs through the proposed location of a 3.5-ft tall boulder retaining wall. How this will happen should be clarified on the plans.

Comment #23: There is a proposed concrete headwall, but there is a drainage feature that is not identified as existing or proposed before the driveway; this feature is also not labeled. This feature and its purposed should be clarified.

Comment #24: Drainage calculations have not been provided to demonstrate the adequacy of the 30-in pipe.

Comment #25: If a 30-in pipe is required, the applicant should consider a concrete pipe rather than HDPE.

Comment #26: The pipe diameters should be shown along the existing culvert/swale that is shown.

Comment #27: Sketch Plan Checklist #19 – sight distances are to be shown on the drawing.

Comment #28: The declaration information for the Agricultural and Ridgeline Notes will need to be shown on the drawing.

Comment #29: Surveyor to certify that iron rods have been set at all property corners.

Comment #30: Payment of all fees.

Connie Sardo: Is the Planning Board going to do a letter for the ZBA? The ZBA has a meeting Monday night.

Mr. Bollenbach: Does the Board want to look at the AP-O first at the next Work Session?

Mr. Astorino: Yes. We could do that.

Mr. Bollenbach: Ted and Laura could put that together. We could discuss that at our next Work Session to make a recommendation for the Town Board and the ZBA.

Mr. Astorino: Ok.

Mr. Fink: I had a checklist that I brought out to the site with me. I went through each of the items on the checklist. I checked off the whole thing. I will put that into a form and send it off to Connie so she could distribute it to the Planning Board at the next Work Session.

Dave Getz: Ted, I think the conclusion today at the site walk was that the site appeared to be appropriate for this.

Mr. Fink: Right.

Mr. Bollenbach: I just want to state something for the record. The Brady Farm is in PDR. According to the terms of the conservation easement, Tower Lane could be utilized to benefit the farm, not an adjoining lot. I don't think it would really be detrimental, but it would have to get a sign-off from all the participants in this PDR program. It is quite extensive. I believe the applicant's Attorney, Paul Shook will be drafting up a letter for my review to be forwarded to the Town Board. The Town Board would have to sign off on it. Then, Orange County would have to sign off on it, which also includes Scenic Hudson Land Trust and the United States Department of Agriculture. I think they are the only ones, but it is not an automatic approval.

Dave Getz: The applicants realize that. Eventhough it might take some time, the applicant still wants to pursue this. The alternate might be a parallel driveway and a flag lot. That would mean a lot more disturbance. If this could be done, we definitely want to pursue that.

Mr. Bollenbach: Ok.

Dave Getz: Thank you.

Fairgrounds #2 (Commercial/Retail Facilities)

Application for Site Plan Approval and Special Use Permit for the construction and use of commercial/retail facilities totaling 19,786 square feet in three buildings, situated on tax parcel S 51 B 1 L 40.1; project located on the northern side of NYS Route 94 approximately 1,000 feet east of Orange County Route 21, in the DS/OI zones, of the Town of Warwick. Previously discussed at the 3/18/09, 5/20/09, & 3/3/10 Planning Board Meetings.

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

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments (pending)
4. Architectural Review Board comments (08/28/10) - Zoning requires parking in rear of buildings; additional comments pending Applicant presentation of architectural plans
5. OC Planning Department (submitted 11/09/10)
6. The applicant should submit a revised application form and EAF stating that there are three buildings and 19,786-sf. of proposed buildings, etc.
7. Checklist (J): Has current project been coordinated with emergency services?
8. Checklist (L) 2: The drawings do not show match lines.
9. Checklist (L) 7 (b): The project Surveyor information is not shown within the plan set (Sheet 2 of 12).
10. Checklist (L) 9: Are all easements, deed restrictions, and covenants shown on the plans?
11. Checklist (L) 18: The current FEMA floodplain areas are not shown on the drawings, if there are any.
12. Checklist (L) 23: Architectural plans have not been submitted recently (since March 2010).
13. Checklist (L) 24: Assumptions were made to determine parking space calculations; similar calculations should be completed for number of employees, max seating, etc.
14. Checklist (L) 30: The Lighting and Landscaping Plan has not been reviewed at this time by the request of the Applicant.
15. Checklist (L) 35: The method of heating the buildings and other energy needs have not been shown on the plan.
16. Checklist (L) 39: The Lighting and Landscaping Plan has not been reviewed at this time by the request of the Applicant.
17. Checklist (L) 40: The Lighting and Landscaping Plan has not been reviewed at this time by the request of the Applicant.
18. Checklist (L) 41: Is the PB requiring estimates of noise generation at this project site?
19. Checklist (L) 43: Disposal of construction and demolition waste has not been discussed.
20. Sheet 1, Note 8 should be updated to state that the project is within the Biodiversity Overlay District. The FEIS can be referenced for the specific studies that were conducted.
21. The language on Sheet 1 (on the site plan itself) states that the Marginal Access is to be dedicated... the language should be changed to the satisfaction of the planning board attorney.

22. A note should be added to the plan set stating that the Applicant has agreed to construct, at his own cost, the Marginal Access Road when the Town has prepared design plans and has obtained any applicable permits.
23. Is there only one dumpster location for all three buildings?
24. The dumpster shown on Sheet 4 is not consistent with the dumpster detail shown on Sheet 9.
25. Pedestrian connectivity should be shown from the smaller retail building (Building 3) to Price Chopper.
26. In the completed landscaping plan, landscape will be included around the three proposed buildings.
27. The plans show that 113 parking spaces are required and that 118 spaces are provided; I counted 101 spaces plus the 27 reserve parking spaces. The number of spaces provided should be clarified.
28. Is the Applicant proposing to develop the reserve parking spaces at Fairgrounds #1 as part of this application?
29. In some locations, the curb elevations appear to be shown in the parking lot area; this should be updated.
30. There should be ADA ramps at the pedestrian walkway from the former reserved parking area to in front of Building 2.
31. There should be ADA ramps along the sidewalk as you move from Building 1 to Building 2 to Building 3.
32. In front of Building 3, the architecture of the building is not clear (where is the front door) so it is not known if there is enough room for the handicapped ramp at this location.
33. On Sheet 9 of 12, the Handicap Drop Curb shows that the maximum desirable ramp slope is 1 on 12 with a 1.5 on 12 maximum slope, when the maximum ramp slope allowed per ADA is 1 on 12. This detail should be revised.
34. Sheet 9 of 12, Section B-B should note the maximum slope (1 to 10).
35. There is no detail of the ramp at Building 3.
36. A detail for the banking drive-thru should be included in the plan set, showing aisle widths, curbing, islands, etc.
37. A complete signage and striping plan (with appropriate details, i.e., Do Not Enter, One Way, etc.) should be submitted for the project site.
38. The estimated water supply and wastewater flows for Fairgrounds #2 have been submitted, but this needs to be compared with the overall design capacity of both systems, including information for usage (if known) and design flow rates for Fairgrounds #1. The design flow rates calculated for the previous car dealership should also be provided for completeness.
39. Stormwater Drainage System Calculations have been provided for the 25-year storm; these same data for the 2 and 100 year storms should be submitted to ensure that these storms will also be managed by the previously approved stormwater management system.
40. As previously required, the applicant should submit the 1 year storm for volume analysis.
41. In the drainage calculations, there is stormwater "credit" given to specific "green areas." These green areas need to be called out specifically to ensure that they are included on the site plan.
42. The Applicant should clarify the reasoning for removing Dry Swale #2 from the plan.
43. Any required loading dock areas or caged areas (for deliveries made before or after normal business hours) for the proposed uses should be shown on the plans, including truck turning movements.
44. The landscaping plan is currently under review; the requirements of the Town Code will be confirmed when the landscape plan is completed.

45. The declaration information for the aquifer overlay is already shown on the plan; the declaration information for the agricultural overlay needs to be added to the plan set.
46. As a conditional of final site plan approval for Fairgrounds #2, a three-ring binder with all color, texture, roofing samples, etc. shall be submitted and retained with the Building Department after final approval is granted.
47. Surveyor to certify that iron rods have been set at all property corners.
48. Payment of all fees.

The following comment submitted by the Conservation Board:

Fairgrounds #2 (Commercial/Retail Facilities) – None submitted.

The following comment submitted by the ARB:

Fairgrounds #2 (Commercial/Retail Facilities) – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: We have been reviewing the long EAF. There are a number of comments tonight that relate to SEQR.

Comment #2: Applicant to discuss project.

Dave Getz: The latest plans that we submitted were done after we had a site visit a couple months ago. These plans show the corners of the proposed buildings and the layout. These new submitted plans show more details on the utilities, grading, and stormwater. We are still working on the landscaping plan and the lighting plan. We will be submitting those plans sometime next week with more information on that.

Comment #3: Conservation Board comments (pending).

Comment #4: Architectural Review Board comments (08/28/10) - Zoning requires parking in rear of buildings; additional comments pending Applicant presentation of architectural plans.

Mr. Astorino: We will be scheduling a joint meeting with the ARB and Planning Board. That joint meeting will be held on 12/7/10 @ 7:30 p.m.

Adrian Goddard: We will be there this time.

Mr. Astorino: Ok.

Comment #5: OC Planning Department (submitted 11/09/10).

Comment #6: The applicant should submit a revised application form and EAF stating that there are three buildings and 19,786-sf. of proposed buildings, etc.

Dave Getz: Ok.

Mr. Astorino: We will list comments 7 through 19 for the record. These comments are checklist items.

Comment #7: Checklist (J): Has current project been coordinated with emergency services?

Comment #8: Checklist (L) 2: The drawings do not show match lines.

Comment #9: Checklist (L) 7 (b): The project Surveyor information is not shown within the plan set (Sheet 2 of 12).

Comment #10: Checklist (L) 9: Are all easements, deed restrictions, and covenants shown on the plans?

Comment #11: Checklist (L) 18: The current FEMA floodplain areas are not shown on the drawings, if there are any.

Comment #12: Checklist (L) 23: Architectural plans have not been submitted recently (since March 2010).

Comment #13: Checklist (L) 24: Assumptions were made to determine parking space calculations; similar calculations should be completed for number of employees, max seating, etc.

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Comment #16: Checklist (L) 39: The Lighting and Landscaping Plan has not been reviewed at this time by the request of the Applicant.

Comment #17: Checklist (L) 40: The Lighting and Landscaping Plan has not been reviewed at this time by the request of the Applicant.

Comment #18: Checklist (L) 41: Is the PB requiring estimates of noise generation at this project site?

Comment #19: Checklist (L) 43: Disposal of construction and demolition waste has not been discussed.

Comment #20: Sheet 1, Note 8 should be updated to state that the project is within the Biodiversity Overlay District. The FEIS can be referenced for the specific studies that were conducted.

Dave Getz: Ok.

Comment #21: The language on Sheet 1 (on the site plan itself) states that the Marginal Access is to be dedicated... the language should be changed to the satisfaction of the planning board attorney.

Dave Getz: Fine.

Comment #22: A note should be added to the plan set stating that the Applicant has agreed to construct, at his own cost, the Marginal Access Road when the Town has prepared design plans and has obtained any applicable permits.

Adrian Goddard: That is fine. We have already agreed to that. We will add a note to the plan.

Mr. Astorino: We will list comments 23 through 27 for the record.

Comment #23: Is there only one dumpster location for all three buildings?

Comment #24: The dumpster shown on Sheet 4 is not consistent with the dumpster detail shown on Sheet 9.

Comment #25: Pedestrian connectivity should be shown from the smaller retail building (Building 3) to Price Chopper.

Comment #26: In the completed landscaping plan, landscape will be included around the three proposed buildings.

Comment #27: The plans show that 113 parking spaces are required and that 118 spaces are provided; I counted 101 spaces plus the 27 reserve parking spaces. The number of spaces provided should be clarified.

Comment #28: Is the Applicant proposing to develop the reserve parking spaces at Fairgrounds #1 as part of this application?

Dave Getz: Yes.

Mr. Astorino: We will list comments 29 through 35 for the record.

Comment #29: In some locations, the curb elevations appear to be shown in the parking lot area; this should be updated.

Comment #30: There should be ADA ramps at the pedestrian walkway from the former reserved parking area to in front of Building 2.

Comment #31: There should be ADA ramps along the sidewalk as you move from Building 1 to Building 2 to Building 3.

Comment #32: In front of Building 3, the architecture of the building is not clear (where is the front door) so it is not known if there is enough room for the handicapped ramp at this location.

Comment #33: On Sheet 9 of 12, the Handicap Drop Curb shows that the maximum desirable ramp slope is 1 on 12 with a 1.5 on 12 maximum slope, when the maximum ramp slope allowed per ADA is 1 on 12. This detail should be revised.

Comment #34: Sheet 9 of 12, Section B-B should note the maximum slope (1 to 10).

Comment #35: There is no detail of the ramp at Building 3.

Comment #36: A detail for the banking drive-thru should be included in the plan set, showing aisle widths, curbing, islands, etc.

Mr. Astorino: Carl, you have brought that up regarding the drive-thru with a marginal access road to make sure that it works properly and how that marginal access road will be constructed.

Dave Getz: The latest plan now shows the drive-thru on the opposite side of the bank. Our earlier layout had it close to the marginal access road.

Laura Barca: It will be between buildings 1 and 2.

Mr. Astorino: Yes.

Adrian Goddard: Right.

Mr. Singer: That is good.

Comment #37: A complete signage and striping plan (with appropriate details, i.e., Do Not Enter, One Way, etc.) should be submitted for the project site.

Dave Getz: Ok.

Comment #38: The estimated water supply and wastewater flows for Fairgrounds #2 have been submitted, but this needs to be compared with the overall design capacity of both systems, including information for usage (if known) and design flow rates for Fairgrounds #1. The design flow rates calculated for the previous car dealership should also be provided for completeness.

Dave Getz: Ok.

Mr. Bollenbach: Dave, do you have the calculations for Fairgrounds #1 with what the actual usage is?

Dave Getz: Yes.

Adrian Goddard: We had done that within the last 2 to 4 months.

Dave Getz: They were at around 4100 gallons per day.

Adrian Goddard: The actual design flow will be lower. But, I think the 4100 gallons per day is the appropriate number for flow.

Mr. Bollenbach: Laura, you will need to review and confirm that.

Laura Barca: Ok.

Comment #39: Stormwater Drainage System Calculations have been provided for the 25-year storm; these same data for the 2 and 100 year storms should be submitted to ensure that these storms will also be managed by the previously approved stormwater management system.

Dave Getz: Ok.

Comment #40: As previously required, the applicant should submit the 1-year storm for volume analysis.

Dave Getz: Ok. We talked about this at the Work Session. What we had done for Phase 2 was keep the original detention basin and the organic filter, which is the water quality design, keep it the same that was shown for the dealership that was reviewed by the Planning Board, your Consultants, and U.S. Fish & Wildlife. We are keeping that the same, but the proposed impervious area and the disturbance area of this layout is less than what was shown in the car dealership's plan.

Mr. Bollenbach: That would either meet or exceed the new Town Stormwater regulations.

Dave Getz: Yes. We also discussed at the Work Session that we would provide some rain gardens. We will be doing pavers for the sidewalks.

Mr. Bollenbach: Ok.

Comment #41: In the drainage calculations, there is stormwater "credit" given to specific "green areas." These green areas need to be called out specifically to ensure that they are included on the site plan.

Dave Getz: Those refer to vegetative areas as opposed to impervious areas.

Laura Barca: Right. What I need to be able to do is to say what is needed in this drainage area that this area is to be green because it is vegetative or something. I need more specifics. Do you understand what I am trying to say?

Dave Getz: Yes. We will provide you with the information.

Mr. Astorino: We will list comments 42 through 45 for the record.

Comment #42: The Applicant should clarify the reasoning for removing Dry Swale #2 from the plan.

Comment #43: Any required loading dock areas or caged areas (for deliveries made before or after normal business hours) for the purposes should be shown on the plans, including truck turning movements.

Comment #44: The landscaping plan is currently under review; the requirements of the Town Code will be confirmed when the landscape plan is completed.

Comment #45: The declaration information for the aquifer overlay is already shown on the plan; the declaration information for the agricultural overlay needs to be added to the plan set.

Dave Getz: I just wanted to say something regarding comment #43 that questions the loading dock. There are no loading docks proposed for Phase 2 and no caged areas for deliveries.

Mr. Astorino: Ok.

Comment #46: As a conditional of final site plan approval for Fairgrounds #2, a three-ring binder with all color, texture, roofing samples, etc. shall be submitted and retained with the Building Department after final approval is granted.

Dave Getz: Ok.

Comment #47: Surveyor to certify that iron rods have been set at all property corners.

Dave Getz: We could do that. But, we could submit the one when the subdivision of this project was done. We are not proposing any new property lines.

Laura Barca: That is ok. If it has already been done, then it is done.

Dave Getz: Ok.

Comment #48: Payment of all fees.

Dave Getz: Ok.

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

Mr. Bollenbach: Regarding comment #44 that pertains to landscaping, did they submit a landscape plan?

Mr. Astorino: They did get a plan into us.

Mr. Bollenbach: Ok. That is in progress.

Mr. Astorino: Ok. There will be a joint meeting on 12/7/10 between the ARB and Planning Board. You will get the architectural drawings, landscape plan, and lighting plan to us.

Dave Getz: Yes. Could we be set for a public hearing pending that we get everything else in?

Mr. Astorino: I have no problem with setting this for a public hearing. We will just wait until we get the stuff in. How does the Board and Professionals feel?

Mr. McConnell makes a motion to set the Fairgrounds #2 application for a Public Hearing at the next available agenda.

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

Dave Getz: Thank you.

Adrian Goddard: Thank you.

Other Considerations:

1. **Planning Board Minutes of 11/3/10** – Planning Board Minutes of 11/3/10 for Planning Board Approval.

Mr. Showalter makes a motion to Approve the Planning Board Minutes of 11/3/10.

Seconded by Kowal. Motion carried; 5-Ayes.

2. **Adele Grill Subdivision** – Letter from Adele Grill, dated 11/14/10 addressed to the Planning Board in regards to the Grill Subdivision – requesting a 6-Month Extension on 3rd Re-Approval of Final Approval of a proposed 4-Lot cluster subdivision, situated on tax parcels SBL # 29-1-71 & 72; parcels located on the westerly side of Distillery Road 750 feet north of Pine Island Turnpike, in the RU zone, of the Town of Warwick. Amended 2nd Re-Approval of Final Approval was granted on 7/15/09 became effective on, 5/7/09. The 3rd Re-Approval of Final Approval was granted on 6/2/10 became effective on, 5/7/10. *The applicant has stated given the continuing depressed economy and very tight lending practices, the applicant is requesting the 6th Month Extension on the 3rd Re-Approval of Final Approval.* The 6-Month Extension becomes effective on, 11/7/10.

Mr. McConnell makes a motion on the Adele Grill Subdivision application, granting a 6-Month Extension on the 3rd Re-Approval of Final Approval of a proposed 4-Lot cluster subdivision, SBL # 29-1-71 and 72. Amended 2nd Re-Approval of Final Approval was granted on 7/15/09 became effective on 5/7/09. The 3rd Re-Approval of Final Approval was granted on 6/2/10 became effective on 5/7/10. The 6-Month Extension becomes effective on, 11/7/10.

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

Mr. Bollenbach: Laura, maybe you could confirm with the Building Department that Ms. Grill is still complying with the prior conditions. She originally had violations for the occupancy of an additional dwelling.

Laura Barca: Ok. I could do that. Connie, did we receive the extension request checklist?

Connie Sardo: No. I will have to get that from her. It is not that easy.

Laura Barca: Ok. That is fine.

Mr. Astorino: Laura, the only thing that is out there is a house that was supposed to be abandoned. I don't know if you have ever been out there.

Laura Barca: I have not been out there.

Mr. Astorino: We will take a ride out there together.

Laura Barca: Ok.

Correspondences:

Mr. Astorino: Connie, do we have any correspondences this evening?

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

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

Mr. McConnell makes a motion to adjourn the November 17, 2010 Planning Board meeting.

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