

TOWN OF WARWICK PLANNING BOARD

November 18, 2009

Members present: Chairman, Benjamin Astorino
Russell Kowal, Dennis McConnell
Carl Singer
Zen Wojcik, Tectonic 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 18, 2009 at the Town Hall, 132 The King's Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

PUBLIC SCOPING SESSION

Watchtower Bible and Tract Society of NY, Inc. / World Headquarters for Jehovah's Witnesses

Application for Site Plan Approval and Special Use Permit for the construction and use of campus of buildings for religious use on approximately 30 acres of previously developed land, situated on tax parcels S 85 B 1 L 4.1, 4.2. 5.1. 5.2; parcels located on the southwest side of Long Meadow Road 6,000 feet north of Sterling Mine Road (CR 72), in the LC zone, of the Town of Warwick, County of Orange, State of New York. Planning Board adopted a Positive Declaration, adopted on 10/7/09. Previously discussed at the 11/4/09 Planning Board meeting.

Representing the applicant: Bob Kraulik, Attorney. Max Stach, Turner Miller Group. Bob Pollock, Project Manager.

The following comment submitted by the Conservation Board, dated 11/17/09 & 10/14/09:

Watchtower Bible / World Headquarters - CB suggests a site visit before completing scoping. The CB's preliminary comments on the scoping document will be provided tomorrow before noon.

Here are the CB's preliminary comments on the Jehovah Witnesses' Scoping Document, dated October 14, 2009.

In general, the scoping document seems fairly generic and attempts to tighten it up for this unique property would be helpful. For example, it is not clear what is going to remain and what will be demolished and what is new construction.

1. What is the full build out potential of the site under current zoning? This is important unless the applicant agrees that the current proposal will end all further development.
2. How many people will reside on site and how many will commute to work?
3. What will be the cumulative effect on the area when the Tuxedo Reserve is built out together with any other developments in the vicinity. Tuxedo Reserve involves 1195 residential units plus significant commercial space and community space?

4. What is the impact on Sterling Forest?
5. What is the incremental cost of Town services and would the applicant be willing to pay PILOTs in lieu of taxes?
6. There is provision for 780 parking spaces. How will Blue Lake be protected from oil residue and salt?
7. What will be the impact on recreational uses of Blue Lake, e.g. fishing and boating?
8. What is the impact on flora and fauna in the area which is part of one of NYS premier diversity areas Sterling Forest?
9. Given the prior use of the site, will the applicant perform soil testing and remediation if hazardous substances are found?
10. Will the development use water and wastewater services from United Water and is there sufficient capacity?
11. How will the remainder of the land that will not developed be protected in the long term?

PB should schedule a site visit before finalizing the scoping for the DEIS.

The following comment submitted by the ARB:

Watchtower Bible / World Headquarters – None submitted.

Bob Krahulik: We submitted a Draft Scoping Document for your review. The purpose of tonight's meeting is to receive public comment on that document. Mr. Pollock is prepared to give you and the public a brief overview of the proposed project.

Mr. Pollock comes up in front of the Planning Board with a presentation of pictures/maps of the proposed project of the Watchtower Facility.

Bob Pollock: I would like to give you a little history of the site that some of you might be aware of and some might not. It was originally purchased by International Nickel in the 1960's. They developed a combination of a lab for a research and development facility of about 230,000 square feet. In the late 1980's, the property was sold to Blue Lake Development. It was approved for 150-lot subdivision. It was going to pretty much fill the 168-acre site. That did not happen. Then, it was sold to King's College. In the year 2000, The King's College received their final site plan approval for a 1600 person college. They were going to reuse the existing INCO site. They were going to add on to it. They were going to add additional buildings of residences, playing fields, and parking lots that were going to fill the site. After The King's College received their approvals, they ran into some financial difficulties. During the time, the project was being undertaken by The King's College, there always had been a water facility for the site. There is a water plant that is run by United Water. It has a 500,000-gallon storage tank at the top of the hill. At the time when INCO had their own small wastewater treatment plan, when the The King's College application was before the Planning Board what came out of it was a brand new sewage plant. That was built in the year 2001. It is only serving the IBM Facility next door. It is very much under loaded. Another thing that happened, additional property was purchased on the north and east side of Long Meadow Road. When Watchtower Bible and Tract Society purchased it back in July rather than just the 168 acres, the whole 250-acre piece was purchased. As we begun looking at the property and evaluating its opportunities, (Mr. Pollock referred to an aerial photo.) it became evident with this stream and the associated wetlands going through the eastern part and down into a section that has some steep land, that it would be difficult at best to develop anything on this side. It was determined that part would remain natural. What we did was focus on the 168-acre piece that everyone else had concentrated on.

In doing our site analysis, we took a look at the wind directions and the winter and summer solar angles. We took a look at sensitive environmental areas with steep slopes, rock out cropping, and various Right-Of-Ways through the property. There are some wetlands located here. We came up with a map that indicated 2 possible places to develop. One place was at the top of the hill towards the north side. The other was going to be in the area that already had been developed by INCO. Since the zoning change between the time that The King's College had their presentation and when Touro College purchased the property, the property was put into land conservation. The Ridgeline Overlay District was imposed on here. It seemed fairly obvious that the Board's desire was not to build on top of the hill. That was why we began looking at redeveloping this area where INCO had developed. We came up with a plan that was submitted to the Board. It is a plan for a facility that Watchtower has similar ones located in the Wallkill, Ulster County, Patterson, and Putnam County areas. It is made up of a campus of buildings. This one would have the World Headquarters for the Jehovah's Witnesses. That is right now located in Brooklyn. It is planned to house about 850 people at its peak. All of them would live and work on the site. There would be very little traffic in comparison with some other type of development. They are a religious order. It is because they are in that religious order that they work and live on the site. The parking is planned to be underneath several of these buildings. The existing driveway that INCO developed would be improved as a boulevard. Looking at the plan, the main office, and the worship center for those who would be living on the site would be located here. The parking lot over here would be restricted for visitors. The idea of this plan is to retain open space. As we have developed this, it was with the thought in mind as developing it as a sustainable design. We are a member of the Green Globe organization. We are looking at multi-story buildings. They are set back from the lakefront. Looking at the plan, there is one building here that we might keep. It is the building in the front of the existing facility. There is a tree line located here which buffers the building. The buildings that we propose would be further back. The trees would break up the viewshed. The roofs are intended at this point, unless the ARB thinks otherwise, they would be flat roofs. There are several reasons for that. As you go up and down Long Meadow Road, all of the other developments like International Paper, IBM, etc...are similar type buildings with flat roofs. This also gives the opportunity during the development of the stormwater system to do a source control of stormwater. We are sensitive that this is close to Blue Lake. That is one of the reasons that majority of the parking spaces are going to be included in space underneath the buildings. That reduces the need for a control device and so forth for the potential of oil and runoff as part of your stormwater for the development. The intent of this, we are looking at about 850,000 square feet total of building area. Looking at the plan, the stormwater for the parking lots, the parking lots have been located here so that the stormwater runs away from Blue Lake. There will be effects from construction activities. We will have to address that in both the design and the EIS. There is more than sufficient existing capacity for both water and wastewater in the existing systems. With regards to traffic, that often an issue. (Mr. Pollock presents a plan of the general area showing the roads and traffic patterns of the site location). We will be studying the major intersections. In comparison with the previous applications, the traffic here will be minor. To give you an idea, the The King's College peak trip generation was approximately 292. For the Watchtower, the peak trip generation would be approximately 75-peak number of trips. About the Ridgeline Overlay District, this plan shows the existing boundary for the Ridgeline Overlay District. You can see the way the site had been developed, there are no buildings within this fringe area that is touched on the Ridgeline Overlay. I hope that gives you the overview of the proposed project.

Mr. Astorino: Do any Board members or Professionals have any questions or comments? Ted, could you give an overview on the Positive Declaration and the DEIS?

Mr. Fink: The purpose of the meeting tonight, it is a Scoping Session to identify the issues that the applicant will study in an Environmental Impact Statement (EIS). Tonight is the first step in the environmental review process. Following the receipt of all the comments from anyone that has any thoughts tonight that you would like to share with the Board, there will be a written comment period until December 9, 2009. We have 21 days for anyone that wants to submit written comments. The Board will then take what the applicant has suggested as being what they feel would be appropriate for study in the EIS. The Board will incorporate any comments that individual Board members have, their consultants, any other agencies that are involved that would have to issue one form of a permit or an approval just as the Planning Board would have to do so. We would take all of the suggestions that we receive from members of the public. We will consolidate all of those comments into a Final Scoping Document. Once that document has been prepared, the applicant would use that as a very detailed table of contents for all of the various studies, which would consist of traffic studies, environmental studies, water and sewer studies, stormwater studies, etc... Then, they could go forward and prepare a Draft Environmental Impact Statement (DEIS). They will submit that document to the Planning Board once it has been completed. The Planning Board will use the Final Scoping Document to judge whether or not the applicant has addressed all of the issues that the Board had asked the applicant to study. If they have, then that would begin a public review process for the DEIS. There is no timeframe on when the applicant would have to produce the DEIS. We do know that once all of the issues have been identified, then it would be up to the applicant to carry out those studies and to deliver the information to the Planning Board so that the Board and its consultants could evaluate the quality of that information before it becomes public. After the public comment period on the DEIS, there would be another environmental document called the Final Environmental Impact Statement (FEIS). When the DEIS is out there for comment, the Board will take all of the comments and make sure that every question that was raised about the environmental impacts of this action are properly answered. They do that in a form of a FEIS. Once that document has been completely reviewed by the Board, then the Board will prepare a written Findings Statement. The Findings Statement is a document that ensures all of the impacts have been identified and have been properly mitigated to the greatest extent practicable. Any adverse impacts that can't be mitigated are properly balanced with social and economic consideration. That is pretty much the SEQR review process. This is the first of several steps in the review of the EIS. The Planning Board would have to fully comply with the environmental review before they could even consider making a decision on the various approvals that they need from the Planning Board as well as from any other agency. No other agencies could issue an approval until the Planning Board has first issued its written Findings Statement.

Mr. Astorino: Thank you Ted. This is a Public Scoping Session. If there is anyone wishing to address the Board with any comments on the Watchtower Bible and Tract Society / World Headquarters for Jehovah's Witnesses application, please rise and state your name for the record.

Peter Kohlberger: I am Vice-President of the Sterling Forest Partnership. I would like to make a couple of comments. I would like to thank you for the presentation. It was very good. Generally, we look upon the Jehovah's Witnesses Headquarters favorably. In terms of the construction, in mitigating the construction, we have heard about the underground parking. We would like to make sure that in the Scoping Document it has subjects that says the blasting that is necessary to dig underground would take into consideration noise, wildlife, water flow with the fracturing process that might happen because of this. During the construction process, I have heard about mitigating the flow of water and afterwards the flow of water into Blue Lake. The entirety of Sterling Forest is a watershed which flows into the Ramapo River and down to two

million people. The process should not only look at Blue Lake, but anywhere where that water might go, where it ends up, and what it would take with it. One of the issues that were brought up was about the viewshed. I heard about the viewshed from Blue Mountain Lake, which is the lowest point in the area. Sterling Forest has miles of hiking trails. It is a resource for people in Warwick, in Orange County, and for three States around that go there, hike, hunt, fish, and enjoy the park. If we are going to have very tall buildings, the viewshed is affected not just at the lake level, but anywhere along those hiking trails and out in the park. We would like to have those issues in the Scoping Document. Most of the things are probably already in there. Those were the items that were of particular interest to us. Thank you.

Mr. Astorino: Thank you. Is there anyone else wishing to address the Watchtower application?

James Gell: I am the Park Manager of Sterling Forest State Park. Peter has expressed many of my concerns. I just want to make sure that they are studied as well. We do have over 250,000 visitors there. Hiking is the most popular activity in the park. One of our two most popular trails is the trail that goes up to our fire tower/lookout tower. As far as I know, it is the last active fire tower in NYS. We actually put an employee in that fire tower to spot fires actively. It also serves as an interpretational activity so that people could hike up there and go into the tower to see how a ranger spots fires. It is quite an experience. When you go up in that tower looking out over Sterling Forest, which the people of NY, NJ, and the Federal Government has spent close to 100 million dollars to preserve, it is just a carpet of forest. You see just a few power lines and buildings here and there. I want to make sure they study the viewshed and what the impact on these 5 story buildings would have on the viewshed. There are other impacts on the park. I hope you consider that. The other issue is that we never seem to be included as interested parties. I want to make sure that Sterling Forest State Park, the Palisades Interstate Park Commission, and the NYS Office of Parks, Recreation and Historic Preservation are included as all interested parties.

Mr. Astorino: Ted, I thought that Palisades Interstate Park Commission was added as an interested party.

Mr. Fink: Palisades Interstate Park Commission is listed as an interested party. We do have them on the list. That started with the issuance of the Positive Declaration. That was the first action that the Planning Board took.

James Gell: Do you have an address for them?

Connie Sardo: Yes. We do.

Mr. Fink: Yes.

Mr. Astorino: Is Sterling Forest State Park a separate entity?

James Gell: We are not. I have two bosses to report to. I report to the Bi-State Palisades Interstate Park Commission and to the NYS Office of Parks, Recreation and Historic Preservation in Albany. I found out about this Scoping Session in the newspaper.

Mr. Fink: We will make sure that you are added to the list of interested agencies.

James Gell: Ok.

Connie Sardo: Palisades Interstate Parks Commission is definitely on the list. I have the same address as you have. I have mailed stuff out to them.

James Gell: Ok. Thank you.

Mr. Fink: Mr. Chairman, we should send a copy of the Scoping Document to the Sterling Forest State Park.

Mr. Astorino: Ok. Is there anyone else wishing to address the Watchtower application?

Joseph Zanetti: I am the Superintendent of the Tuxedo School District. The presentation that you had was helpful to me to get a little bit clearer understanding of what is going on. I am not sure if we are on the interested agencies list.

Mr. Fink: You are on the interested agencies list.

Joseph Zanetti: We are. I want to make sure we are on there.

Connie Sardo: Tuxedo School District is on the list of interested agencies.

Joseph Zanetti: Ok. Someone had mentioned that there would be 150 people living and working at the site. What about kids? I know that Supervisor Sweeton had told me no. I am trying to understand how that would be possible.

Mr. Astorino: I will have the applicant explain that issue.

Bob Pollock: I am glad that question was raised. It is a anomaly. All of the people who would be occupying the site are going to be adults and part of a religious order. Part of the agreement when these volunteers come, they stay for at least a year. Many people stay 10 to 30 years. In order for them to devote their time to the activities here, if they do decide to have a family, they will go back into the community to buy a house, get a job, and join whatever community they decide. There will be no children at this facility. Just like, there are no children at our other similar facilities.

Joseph Zanetti: Ok. From a School District prospective, that I would want to share with you is the obligations that we would have if in fact there were children there. I am not certain that you know. I will tell you. Obviously, there would be transportation depending on where students would want to go to school. There would be health and welfare services. If for some reason they came to our public school, my clear understanding is that this site is within the boundary of the Tuxedo School District, we would then have an obligation. I understand that the applicant is tax exempt. I think you could sense the concern that I share with you. I am not suggesting that anything that the gentleman had said as not true. On top of all that, the Tuxedo School District is at maximum capacity in terms of our student population. There is a little touch of wiggle room. Any additional student burden without any sort of a resource to offset that student burden would be quite an impact on the taxpayers in the Tuxedo School District. It would be both in the Town of Warwick and in the Town of Tuxedo. I wanted to have that on the record. My second point has to do more with collaboration. That would be with the Town of Tuxedo. They have a huge project on the table in the form of Tuxedo Reserve. I think I have read in some areas that there were some discussions with the applicant with some of the service providers in terms of Police,

Fire Protection, and First Aid. My concern would be the traffic pattern as well as other impacts that they might have, the one project coming out of Tuxedo and the other project coming out of the Town of Warwick they might have. I would ask that this Board keep that in mind. As this moves along, you would definitely keep us apprized as to what is going on. I want to underscore the importance of what impact any type of school age children would have in our School District in terms of both the money side of it and the ability to provide space and services if in fact that ever occurred. Thank you for your time.

Mr. Astorino: Is there anyone else wishing to address the Watchtower application?

Patsy Wooters: I am the Chairperson for the Torne Valley Preservation Association in Suffern, NY. I live in the Village of Suffern. I would like to second the concerns about the viewshed. I think that is a significant issue. Living in Rockland County, traffic on County Road, Sterling Mine Road, which is where people would access the metropolitan area, that is the route that the County should certainly be informed and involved in this. Sterling Forest was purchased using New Jersey dollars, which you probably know. It was to protect their drinking water. Whatever the water authority is that is involved in New Jersey should also be apprized as to what is going on. I assume you are acting as Lead Agency for all of those concerns. I hope you will serve them as well as the interest of the taxpayers in Tuxedo. This area is very precious to me as a source of wildlife. I hope you will all do due diligence in terms of rattlesnake studies and studies of species of special concern. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Watchtower application?

Mike Santoianni: I happened to be where Mr. Gell referred to this past weekend. I hiked up to the fire tower. I am long term resident of the area. I am a hiker and outdoors person. I do believe from hiking that whole ridgeline that potentially a large multi-story building might be visible from many places besides Blue Lake. The visual impact would be a concern. Is there any information on the height of these proposed buildings?

Mr. Astorino: There is a height limit in the Code.

Mr. Bollenbach: Bob, what is proposed?

Bob Pollock: They would be about 3 to 5 stories.

Mike Santoianni: What would be a 5-story height building? Would that be about 60 feet?

Bob Pollock: They would have to be less than 60 feet.

Mr. Astorino: There hasn't been an application made to the ZBA as of yet.

Mike Santoianni: You know that there are existing buildings. The other question that would go to that is that it has been there since the 1960's. I grew up in the area. I do know that INCO had the structures there. Then, they had left. Many of the buildings that were along that road both in Tuxedo and in Warwick had to get special permission and screening just like the IBM building. There was even the Reichhold Chemical Plant which was located on the Indian Kiln Reservoir which had left the area because they were not given the 2-foot variance to go higher with a 3rd story because of visual impacts. That happened in Tuxedo. That was a major concern of that area. 70% of Tuxedo's Township is open space and parkland. The other concern is regarding

the watershed. The Blue Lake empties into the sewage treatment plant which empties into the Ringwood Creek. The water quality has always been a concern of the long-term residents and municipalities. Being a taxpayer in the Tuxedo School District, I understand the applicant saying that there would not be any children, but that would be a hard thing to enforce. Most people cannot accept that. That would be a major concern of how that would be mitigated. It is a very small and fragile district. Any increase would need financial support of any students giving any kinds of services through our district in the Town of Warwick, which is part of our district. It would be a huge impact on the local real estate and taxpayers. I understand from what the gentleman had said that they wouldn't be allow to live there if they had children. But, the legality of that, I must challenge. How could you enforce someone of not having a child?

Mr. Astorino: It has been done before. It has been done in the Village of Warwick.

Mr. McConnell: It has been done with senior communities.

Mr. Bollenbach: There are legal mechanisms to enforce.

Mike Santoianni: With those mechanisms, would that be part of this application?

Mr. Bollenbach: Yes. It would be.

Mike Santoianni: I would have to believe that it would be a legal challenge under the constitution.

Mr. Astorino: I don't believe so.

Mike Santoianni: If someone would have a child even in the 55 or older communities, people could have children come and live with them. I love children. But, somebody would have to pay their way through public education.

Mr. Astorino: I believe it is part of this application. Otherwise, they would be in violation of the approval.

Mr. Bollenbach: That will be clarified in the SEQR review process.

Mike Santoianni: Those are my concerns. I hope that they will be addressed. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Watchtower application?

Joseph Zanetti: You mentioned that they would be included in the SEQR review process. Mr. Santoianni and I have concerns about children. Would that be memorialized in a document?

Mr. Bollenbach: Yes.

Joseph Zanetti: Ok.

Mr. Bollenbach: That would be identified under SEQR documents. It would have to be addressed. It will be in the Findings Statement. That would have to be addressed as a condition of a Site Plan Special Use Approval if and when that is granted. It will be a recorded declaration or documentation that this property is restricted. That would be just like with planned adult communities. These are mechanisms used throughout NYS.

Joseph Zanetti: As a representative of the school district, we don't not get a choice whether we educate or not educate if they are there. It is our legal responsibility. In good faith, I hope exactly what we had talked about will occur the way we had talked about it.

Mr. Bollenbach: You can review the documents. They will be made public record. Take a look at them before they are finalized.

Mr. Astorino: You should be receiving copies of the documents.

Joseph Zanetti: It would be unfair for me to say to you that I have not received them. I will check that out when I get back to the school to see if the documents are there.

Mr. Astorino: Make sure you received them. If not, let us know. We will resend you the documents.

Joseph Zanetti: Thank you.

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

Mr. Bollenbach: Ted, do you want to make a comment about cumulative impacts? I know we have discussed this on many other applications.

Mr. Fink: We have. In situations where there are multiple projects that have the potential to have effects on things like traffic, we could ask the applicant to look at what those cumulative impacts are. For instance, when a traffic study is prepared, we ask them to include the traffic generation of other projects that may be currently under review, whether it is by the Town of Warwick Planning Board or the Town of Tuxedo's Planning Board, and of more projects that have been approved but not yet built. This way we would know will those projects in some way have an effect on traffic operations in the future even though they may not currently be built. How are the two going to interact? That would be something that we would have the ability to ask the applicant to investigate as part of the EIS. John, how does that sound?

Mr. Bollenbach: That sounds fine.

Mr. Astorino: The Scoping Document is on the Town of Warwick's website. We will extend the written comment period for 21 days until 12/9/09. Connie, is that correct?

Connie Sardo: Yes.

Mr. Astorino: If you have any written comments, we will be happy to receive them until 12/9/09. Thank you.

Review of Submitted Maps:***Warwick Views, LLC.***

Application for Sketch Plat Review of a proposed 49-Lot + 4-Affordable Homes subdivision, situated on tax parcels S 27 B 1 L 41.131, L 47, and L 48.1; parcels located on the northern side of Blooms Corner Road 2000 feet west of County Route #1, in the RU zone, of the Town of Warwick. Planning Board adopted Final Scoping Document on 12/6/06. Previously discussed at the 11/4/09 Planning Board meeting. Planning Board to discuss "Revised" DEIS completeness.

Representing the applicant: Michelle Babcock from Jacobowitz & Gubits. Kristen O'Donnell from the Turner Miller Group.

The following comment submitted by the Conservation Board, dated 11/17/09:

Warwick Views, LLC. - CB would like to see the Visual Assessment complete as required by the scoping document. The whole point of a Visual Assessment is to show the "after" views. The fact that it is hard to do simply means the right folks have not been retained. Clarification of state versus federal wetlands and the methodology used should also be completed. The known presence of karst should be used to ensure that individual septic systems are located properly and, if a community sewage system is to be employed that must be carefully designed and maintained to ensure that the ground water is protected. The CB is supportive of a community sewage plan if it affords the opportunity for more open space.

The CB also notes the presence of wetlands and the fact this parcel is potential Indiana bat habitat. Accordingly, the CB supports the Town Engineer's comments on these issues.

The following comment submitted by the ARB:

Warwick Views, LLC. – None submitted.

Mr. Fink: At the Work Session, we talked about the completeness of the DEIS. At that time, Zen and I were both in agreement that the document that we had seen was complete. There were a couple of minor issues that needed to be addressed. Yesterday, the applicant sent me a CD of the document. I haven't done a final check to make sure that everything was done. I am confident at this point that even if they haven't addressed those things that they said they were going to do, that the Board would still be in a position of being able to deem this document as complete. The draft document doesn't have to be a perfect document. That is the purpose of the public comment period. It is the purpose for comment response to be put into the Final EIS. As far as I am concerned, the issues are minor. The only reason why I wasn't able to look at them today was because I had a full day today of other commitments. I could work on it tomorrow. If the Board feels that it is appropriate to go forward with this, I have prepared a Notice of Completion of Draft EIS and Notice of Public Hearings. In the Notice, there are fill in the blanks for the date of the actual public hearing as well as the final date for the acceptance of comments. We do need to address that tonight. There is one other point which is not addressed in this document. We haven't talked about it earlier, but, what we usually do with applications that are subject to the EIS procedure is to consolidate the public hearing on the subdivision plans as well as the DEIS. If the Board does want to hold the public hearing on both, I would make a

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modification to that Notice so that it was clear that this was a consolidated public hearing on both the SEQR EIS as well as on the subdivision. The SEQR Regulations encourages consolidating the public hearings.

Mr. Astorino: That would be fine. We have done that on the BCM project. Zen, do you want to talk about the conceptual cluster plan?

Zen Wojcik: I also received a CD from them of the DEIS. I had a chance to take a look at it. From the standpoint of the comments that Tectonic put together, they were addressed in the document. From our standpoint, we are ok. That would make Ted's job a little easier to look at. One of the points that we brought up and we have been stating on our comments repeatedly, the Town is interested in having community water and septic. The DEIS does address community water in the beginning of it. We had asked some additional questions on that. They have expanded upon that to the satisfaction to what we have been looking for. We have been talking about community septic. At the last time out, we had an alternative that was presented by the Engineer for the applicant for a community septic alternative. That was included in Figure 5 of Section V. We talked about this at the Work Session.

Mr. Astorino: Yes. We have seen this at the Work Session.

Zen Wojcik: (Showing a copy of Figure 5 of Section V.) This was the alternative that was presented that showed 2 community septic fields. I had discussed this with the applicant's Engineer, Kirk Rother. Potentially there is room for more septic fields which they may need. It is a much different, more compact cluster subdivision than what they had before. Ted, you had some comments about how that was fitting into the Town's Guidelines. It is not the preferred alternative from the applicant, but it is more consistent with the requirements of the Code.

Mr. Astorino: From my recollection of the Work Session, I think the Board was in favor of this. This was the way we had looked at it. To the rest of the Board, I think that was where we stood. We have a consensus from the Board. This is the plan that we would like to go with. The applicant now knows that. We have it on the record.

Mr. Bollenbach: It would be subject to...

Mr. Astorino: It is still early in the process. We are not saying that we will be accepting that plan, but that is something we would like to see.

Kristen O'Donnell: That is fine. Comments will be reflected in the FEIS.

Mr. Astorino: At least it will give you a direction to go in. We haven't had these public hearings yet. We haven't heard any comments from the public yet. Ted, if you want to get the dates into this Notice, we could make a motion on it.

Mr. Fink: Ok. As far as dates, we have a 30-day minimum public comment period. At some point, we would need to have the public hearing within that. Typically, what the Board has done was go with a 60-day comment period. We need to have at least 2 weeks to advertise. We should ask the applicant how long it would take them to produce the document.

Mr. Bollenbach: Ted, does the second meeting in February sound about right? Would the applicant be able to meet that schedule?

Kristen O'Donnell: My plan was to drop this off for printing by tomorrow morning. I would have them back by Tuesday.

Michelle Babcock: Based on that time frame, we would ask that the public hearing be scheduled for the January meeting.

Mr. Bollenbach: It would be 60 days from now. That would be the second meeting in January, which would be January 20, 2010. Plus, we need the 2-week lead time, which would be February 3, 2010. Ted and Zen, would that be ok with you?

Zen Wojcik: January 20th would be fine.

Mr. Fink: Ok. The final date for acceptance of comments will also be needed.

Mr. Astorino: We will be doing the joint public hearing on the Notice of Completion of the DEIS and the Notice of Public Hearings on the DEIS and Preliminary Subdivision Application.

Mr. Fink: Ok. I will make that modification to the Notice. The Public Hearing date will be on 1/20/10 with the written comment period to be 2/3/10. Zen had just raised an issue that we should probably talk about. Which subdivision plan are we having the public hearing on? Since we now have this alternative which has been presented in the DEIS, it is not the actual plan that was filed by the applicant.

Mr. Astorino: Do you mean as far as the yield plan?

Zen Wojcik: No. We mean as far as the cluster subdivision plan.

Mr. Astorino: The cluster varies regardless.

Mr. Bollenbach: They would both have to be reviewed.

Mr. Astorino: This is still not set in stone yet. This project is still in the works.

Zen Wojcik: You are having a public hearing on a subdivision plan.

Mr. Bollenbach: Or, plans. They could be alternatives.

Mr. Astorino: They could also change after the public hearing. We are not locked into anything.

Mr. Fink: What I could do in the Notice of the Hearings is to indicate that the Hearings would be consolidated. The Hearing on the subdivision plan would include a review of those alternatives that were presented in the DEIS.

Mr. Astorino: That sounds good. Ted, what would the dates be now?

Mr. Fink: We have 1/20/10 for the consolidated Public Hearings and 2/3/10 for the close of the public comment period on the DEIS.

Mr. Astorino: Ok.

Mr. McConnell makes a motion for the Notice of Completion of Draft EIS and Notice of Public Hearings on Draft EIS and Preliminary Subdivision Application.

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

617.9

State Environmental Quality Review (SEQR)

**Notice of Completion of Draft EIS
and
Notice of Public Hearings on
Draft EIS and Preliminary Subdivision Application**

Lead Agency: Town of Warwick Planning Board

Address: Town Hall
132 The King's Highway
Warwick, NY 10990

Date: November 18, 2009

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

A Draft Environmental Impact Statement (EIS) has been completed and accepted for the proposed action described below by the Town of Warwick Planning Board, the SEQR Lead Agency for the action. Comments on the Draft EIS are requested and will be accepted by the contact person until 4:00 PM on February 3, 2010. A public hearing on the Draft EIS will be held at 7:30 PM on January 20, 2010 in the Town of Warwick Town Hall on The King's Highway, Warwick, New York. As suggested by the SEQR Regulations, the Public Hearing on the Draft EIS will be held jointly with the Public Hearing on the application for preliminary subdivision approval. At this stage of the environmental review process under SEQR, the DEIS evaluates several subdivision plan alternatives including the applicant's preferred subdivision plan together with a Traditional Neighborhood subdivision plan, a reduced scale subdivision plan, a conventional subdivision plan, an alternative cluster subdivision plan and a cluster subdivision plan with community septic disposal systems as an alternative to individual septic disposal systems.

Name of Action: Warwick Views Subdivision

Description of Action: The applicant has requested approval from the Town of Warwick Planning Board for subdivision of a ± 249.9 acre site known as the Stanford Farm, consisting of three parcels of land, into 53-lots for construction and sale of 53

single-family dwellings. The site is located on Bloom Corners Road just southwest of the Hamlet of Edenville. One new access point and a new road, to be developed and dedicated to the Town of Warwick, would serve the subdivision off Bloom Corners Road and a future connection with the recently approved Luft Subdivision would be developed for a total of about 6,020 lineal feet of new Town road and 1,033 lineal feet of new private road. The proposed subdivision has been planned to be constructed over a period of three years. Water supply and sewage disposal are proposed to be provided by on-site community systems. In addition to subdivision approval from the Planning Board, other permits from local, County, State and Federal agencies are required. Most of the project site currently contains woodland (42% of the site), active farmland (27% of the site), State and Federal Jurisdictional wetlands (18.7% of the site) and idle grasslands (12% of the site). A classified stream bisects the site and passes through the State and Federal wetlands. The subdivision has been proposed as a Cluster Subdivision that would result in permanent protection of 69.4 percent of the site (\pm 173.35 acres) through a conservation easement pursuant to Article 49 of the New York State Environmental Conservation Law. The site is surrounded by residential and agricultural uses and is in close proximity to the Hamlet of Edenville. The DEIS discusses a total of six alternatives to the proposed action.

Location: Bloom Corners Road in the Rural (RU) Zoning District, Town of Warwick, Orange County, New York.
Tax Map Parcels 27-1-41.131, 27-1-47, and 27-48.1

Potential Environmental Impacts:

1. The proposed action will result in the disturbance of approximately 41.23 acres of land, including active and inactive farmland, woodland and wetland areas.
2. The proposed action will result in a reduction in groundwater recharge and increased surface water runoff as a result of the introduction of approximately 8.95 acres of new impervious surfaces.
3. The proposed action will result in potential water quality degradation to surface waters as a result of pollutants released during rain and snow falling on new lawn areas (largely pesticides and fertilizers) and roads and driveways (largely petroleum-based chemicals, salt and other snow removal chemicals and metals). Soil erosion and subsequent sedimentation of surface waters can also be expected during the construction phase of the project.
4. Approximately 17.91 acres of important farmland soils will be converted to residential uses including the permanent loss of Prime Farmland Soils and Soils of Statewide Importance.
5. Approximately 9,840 square feet of State and Federal wetlands and approximately 30,390 square feet of State wetland buffer will be removed and replaced by the proposed Town road.
6. Existing wooded areas and agricultural field vegetation on-site will be replaced with structures, lawns, and landscaping vegetation.
7. Approximately 41.23 acres of wildlife habitat will be altered. No Endangered or Threatened Species habitats are known to exist on the site.
8. Approximately 47 new vehicle trips are expected during the AM Peak Hour and 59 new vehicle trips during the PM Peak Hour on Bloom Corners Road,

dispersed to and from the surrounding areas. Additional traffic on local roads can be expected to be generated from the proposed subdivision, dispersed throughout the day.

- 9. Approximately 21,200 gallons of water will be pumped from the ground each day and a corresponding amount of sanitary sewage will be generated and discharged to the ground through the proposed septic disposal system by the proposed use.
- 10. Community services such as police, fire, and schools may be affected by increased demands from the expected 195 additional residents including 46 public school age children. A negative fiscal impact to the Warwick School District is expected to be -\$101,517 with a positive fiscal impact to other jurisdictions including the Town, County and Fire and Ambulance districts.
- 11. The proposed subdivision will alter the existing agricultural and forested landscape of the site and change the visual character from rural to suburban.

The Draft EIS is herewith circulated to all agencies. A Copy of the Draft EIS is available through the contact person named below. Additional paper copies of the Draft EIS are available for examination at the Warwick Town Hall and electronic versions are available for downloading and printing on the Town of Warwick Internet website at <http://www.townofwarwick.org/>.

Contact Person: Connie Sardo, Secretary
 Address: Town of Warwick Planning Board
 Town Hall
 132 The King's Highway
 Warwick, NY 10990
 Telephone: 845.986.1127

A Copy of this Notice and Draft EIS Filed With:

Town of Warwick Planning Board
 Town Hall
 132 The King's Highway
 Warwick, NY 10990

Warwick Views, LLC (applicant)

Environmental Notice Bulletin (Notice Only)
 Email: enb@gw.dec.state.ny.us

Michael Sweeton, Town Supervisor

Town Board of the Town of Warwick

Town of Warwick Public Works Department

Town of Warwick Conservation Board

Town of Warwick Architectural Review Board

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NY State Department of Environmental Conservation
Division of Regulatory Services
625 Broadway
Albany, NY 12233

NY State Department of Environmental Conservation
Region 3 Office
21 South Putt Corners Rd.
New Paltz, NY 12561

Orange County Department of Public Works
PO Box 509
Goshen, New York 10924

Orange County Department of Health
124 Main Street
Goshen, New York 10924

Orange County Department of Planning
124 Main Street
Goshen, New York 10924

Warwick Valley Central School District
225 West Street Extension
PO Box 595
Warwick, NY 10990

Brian Orzel
Operations Division
US Army Corps of Engineers
26 Federal Plaza
New York, New York 10278-0090

Kristen O'Donnell: Thank you.

Mr. Astorino: Kristen, please get in touch with Ted on this matter tomorrow.

Kristen O'Donnell: I will.

Mr. Fink: Regarding the Conservation Board's comment, dated 11/17/09 on the Visual Assessment, that related back to the subdivision plan. I think the consensus of the Board was that although the main topic of the DEIS was the applicant's preferred plan, they have now presented us with this plan that is preferred by the Planning Board. We have the ability to ask them to do a Visual Assessment of the plan that the Board prefers.

Mr. Astorino: That is why we are the Planning Board.

Mr. Fink: That is what we will be doing during the technical review process. We will make sure they do a complete Visual Assessment.

Mr. Astorino: We discussed that at the Work Session. I agree with that. I believe the rest of the Board also agrees. It is still a work in progress.

Eric and Elizabeth Kohlmeier

Application for "***Amended***" Site Plan Approval for the construction and use of a cantilevered dock for the homeowners personal use and their guests, situated on tax parcel S 75 B 1 L 12.21; project located on the southeastern side of Lake Shore Road (98 Lake Shore Road), in the SM zone, of the Town of Warwick. Site Plan Approval was granted on 2/4/09.

Representing the applicant: Mary Staikos, AIA from Staikos & Associates.

The following review comments submitted by Tectonic:

1. Calculate the area of disturbance for construction of the landside of the proposed docks and note on the plan.
2. Indicate the minimum depth of piers below existing grade.
3. Show a location on the site for a soil stockpile, including a detail with surrounding silt fence. Note on the plan that excavated soil must be removed from the site as soon as feasible. If excavated soil will be directly removed without stockpiling, provide a note that excavation spoil shall not be stockpiled on the site.
4. Provide a sealed copy of the engineer's calculations, for the Building Department file.
5. Provide a flexible safety curtain along the perimeter of the 8'x31' dock. Submit a catalog cut of the proposed material.
6. Provide a copy of the Letter of Permission from the US Army Corps of Engineers.
7. Pay Outstanding Review Fees.

The following comment submitted by the Conservation Board, dated 11/17/09:

Eric and Elizabeth Kohlmeier – The CB has no comments.

The following comment submitted by the ARB:

Eric and Elizabeth Kohlmeier – None submitted.

Comment #1: Calculate the area of disturbance for construction of the landside of the proposed docks and note on the plan.

Mary Staikos: Yes.

Comment #2: Indicate the minimum depth of piers below existing grade.

Mary Staikos: Yes.

Comment #3: Show a location on the site for a soil stockpile, including a detail with surrounding silt fence. Note on the plan that excavated soil must be removed from the site as

soon as feasible. If excavated soil will be directly removed without stockpiling, provide a note that excavation spoil shall not be stockpiled on the site.

Mary Staikos: Yes.

Comment #4: Provide a sealed copy of the engineer's calculations, for the Building Department file.

Mary Staikos: Yes.

Comment #5: Provide a flexible safety curtain along the perimeter of the 8'x31' dock. Submit a catalog cut of the proposed material.

Mary Staikos: Yes.

Comment #6: Provide a copy of the Letter of Permission from the US Army Corps of Engineers.

Zen Wojcik: We received a letter from the ACOE for response to this application, which was part of a joint application made with the DEC and the ACOE. The construction of two piers, cantilevered from an existing bulkhead, over Greenwood Lake. The first pier would extend approximately 20 feet water-ward of the Ordinary High Water mark of the lake. The second one being 8x30 as what we had talked about. The ACOE had asked in their letter, dated 11/10/09 as follows: *"As this is minor in nature, authorization may be by Letter of Permission. This is in accordance with current Federal Regulations governing work in navigable waters of the United States. To accomplish the coordination required, prior to the issuance of a Letter of Permission, your review of the enclosed drawings is requested."* The drawings that were included are similar to the drawings that have been submitted to the Planning Board for the Planning Board's review. We were talking about this yesterday. Maybe we could get the Board to discuss it a little bit. Perhaps, we could get a consensus from the Board tonight on what their feelings are about this. Then, we could respond to the ACOE so that they could get their permit.

Mr. Astorino: It seems minor in nature. I don't know what the Board's feeling is. We could probably do this as a condition of approval. It would have to go through them anyhow before it would come back to use. We would have to send it out. Once they get their permit, then we could sign the maps. I don't see it as a major deal. How does the Board feel? The Board is ok with it.

Mr. Bollenbach: We could have it as a condition of the approval. On comment #6, we could add, clarification for the Building Department, "prior to the issuance of a building permit". That way, we would have it in hand.

Comment #7: Pay Outstanding Review Fees.

Mary Staikos: Ok.

Mr. Fink: Before we go on, I want to make sure that the record shows that from a SEQR standpoint, the Planning Board had issued a Negative Declaration on this application previously. The proposed amended action that they have brought before you would be of a

less impact than the previous plan. It would be a smaller dock. Under those circumstances, there would be no need to take any further action under SEQR.

Mr. Bollenbach: This is an amended site plan; would the applicant request a waiver of the public hearing?

Mary Staikos: Yes.

Mr. Bollenbach: There would be no significant changes. The impacts are lesser than what they were previously. I believe there was no significant public comment from the previous public hearing.

Mr. Singer: What was the attendance of the other public hearing?

Mr. Astorino: None.

Mr. Singer makes a motion to waive the Eric and Elizabeth Kohlmeier Public Hearing.

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

Mr. Kowal makes a motion on the Eric and Elizabeth Kohlmeier application, granting "**Amended**" Site Plan Approval for the construction and use of a cantilevered dock for the homeowners personal use and their guests, situated on tax parcel S 75 B 1 L 12.21; project located on the southeastern side of Lake Shore Road (98 Lake Shore Road), in the SM zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on February 4, 2009. "**Amended**" Site Plan Approval is granted subject to the following conditions:

1. Calculate the area of disturbance for construction of the landside of the proposed docks and note on the plan.
2. Indicate the minimum depth of piers below existing grade.
3. Show a location on the site for a soil stockpile, including a detail with surrounding silt fence. Note on the plan that excavated soil must be removed from the site as soon as feasible. If excavated soil will be directly removed without stockpiling, provide a note that excavation spoil shall not be stockpiled on the site.
4. Provide a sealed copy of the engineer's calculations, for the Building Department file.
5. Provide a flexible safety curtain along the perimeter of the 8'x31' dock. Submit a catalog cut of the proposed material.
6. Provide a copy of the Letter of Permission from the US Army Corps of Engineers prior to the issuance of a building permit.
7. Pay Outstanding Review Fees.

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

Mary Staikos: Thank you.

Ted Edwards Subdivision #3

Application for Sketch Plat Review of a proposed 3-Lot (**MINOR**) Subdivision + 2-Lot Line Changes, situated on tax parcels S 26 B 1 L 67.1, 67.22, & 30; parcels located on the eastern side of Newport Bridge Road 1000± feet south of Prices Switch Road intersection, in the RU zone, of the Town of Warwick.

Representing the applicant: Karen Emmerich from Lehman & Getz Engineering. Ted Edwards, Applicant.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
 - A. Revise the Short EAF for the three-lot subdivision and resubmit.
2. Applicant to discuss project.
3. Revise the SBL in the title block to be consistent with the application and Note 1. Revise Note 2; area of tract should be the combined area of the three lots under consideration in this application. Allow sufficient space in the Approval Block for the three Owner signatures. Revise and resubmit page 1 of the Sketch Application; owner's name is inconsistent with documents provided and revise line 10. Revise item 6 of the Agricultural Data Statement and resubmit. Label "Prices Switch Road" on plan.
4. The Owner having opted into the AP-O, Lot 2 is proposed to be created using the 1989 Code Table of Bulk Requirements. Add a Note stating the Resolution number of the Town Board's action.
5. Show that Lot 2 conforms to the square rule (200-ft. square) or request a waiver. Show and label the buildable area, per the Town Code.
6. The proposed dwelling and septic disposal system on Lot 1 are situated in Madalin (Ma) soils, a Group IX soil where neither septic systems nor buildings shall be installed per §137 Appendix A. Applicant to discuss.
7. Label the approximate location of the septic system on SBL 26-1-30.
8. On the Sight Distance diagram, indicate that actual sight distance equals or exceeds minimum sight distance.
9. Provide the deed and the recording information on the map for the lot line changes.
10. Label SBL 26-1-67.1 on the plan. The conveyance of certain areas in the lot-line change proposed between Lots 67.1 and 67.22 is confused; clarify.
11. The lands proposed for subdivision into Lots 1 and 2 are currently part of the Edwards tree farm. Applicant to discuss if the trees will remain or be removed. If they will be removed, provide notes for stabilization of the cleared land.

The following comment submitted by the Conservation Board, dated 11/17/09:

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Ted Edwards Subdivision #3 - What is the full build out potential on this property? This minor subdivision #3 suggests that the property is undergoing “nibble” development which is not consistent with good planning.

The following comment submitted by the ARB:

Ted Edwards Subdivision #3 – None submitted.

Comment #1: Board to discuss SEQR.

Mr. Fink: The applicant has submitted a short EAF. It is an Unlisted Action. There are no other involved agencies. The Planning Board could go ahead and declare itself Lead Agency.

Mr. Kowal makes a motion for Lead Agency.

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

617.6
State Environmental Quality Review (SEQR)
Resolution Establishing Lead Agency
Unlisted Action Undergoing Uncoordinated Review

Name of Action: Edwards Subdivision #3

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by Ted E. Edwards and James and Carole Linton for a ± 29.430 acre parcel of land located at Newport Bridge and Amity roads, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 10/28/09 was submitted at the time of application, and

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

Whereas, the Planning Board has determined that the proposed project is within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) apply meaning that an Agricultural Data Statement must be forwarded to the owners of farm operations within 500 feet of the site and then the Planning Board shall evaluate and consider the agricultural data statement in its review of the possible

impacts of the proposed project upon the functioning of farm operations within such district, 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. Revise the Short EAF for the three-lot subdivision and resubmit.

Karen Emmerich: I have that done. I have that with me tonight. I could submit it to you now.

Connie Sardo: Ok. I will take that.

Comment #2: Applicant to discuss project.

Karen Emmerich: Ted Edwards owns a 29.4-acre parcel in which he currently has a tree farm on it of evergreen trees. At this point in time, he wants to subdivide 2 lots off the property where he intends to build rental housing. They would be houses that he would want to rent. We are showing a 3-lot subdivision. One lot will have 4-acres. There will be a 2-acre lot, which he is entitled to under the Ag Protection Overlay District requirements. Then, there would be the remainder of the lot. He is also proposing a lot line change with Jim and Carole Linton. They have a very small lot. It is about 26,130 square feet. They had approached Mr. Edwards for some additional land. He is also doing a swap with his own personal property, which would be just a lot line change. That way in the future if this project ever developed further, he would have proper frontage and meet the Town's requirements.

Mr. McConnell: I did not understand when you referenced his personal property. Whose property is the rest of it?

Mr. Bollenbach: Perhaps, it is his personal residence.

Karen Emmerich: It is his personal residence.

Mr. McConnell: Ok.

Comment #3: Revise the SBL in the title block to be consistent with the application and Note 1. Revise Note 2; area of tract should be the combined area of the three lots under consideration in this application. Allow sufficient space in the Approval Block for the three Owner signatures. Revise and resubmit page 1 of the Sketch Application; owner's name is inconsistent with documents provided and revise line 10. Revise item 6 of the Agricultural Data Statement and resubmit. Label "Prices Switch Road" on plan.

Karen Emmerich: Yes.

Comment #4: The Owner having opted into the AP-O, Lot 2 is proposed to be created using the 1989 Code Table of Bulk Requirements. Add a Note stating the Resolution number of the Town Board's action.

Mr. Bollenbach: That is still proposed. I don't think the Town Board has taken action on that yet.

Karen Emmerich: Right. He has just recently filled out that form.

Comment #5: Show that Lot 2 conforms to the square rule (200-ft. square) or request a waiver. Show and label the buildable area, per the Town Code.

Karen Emmerich: Lot 2 cannot meet the 200-foot square requirement without making it larger. I don't know if it would serve any purpose other than just meeting the square requirement. We don't need a larger lot to meet any of the requirements for a septic system or a well. We would like to request a waiver for that.

Comment #6: The proposed dwelling and septic disposal system on Lot 1 are situated in Madalin (Ma) soils, a Group IX soil where neither septic systems nor buildings shall be installed per §137 Appendix A. Applicant to discuss.

Mr. Astorino: Is that the soil protocol?

Zen Wojcik: Yes.

Karen Emmerich: We had done soil tests today. The soils were excellent. Our percs were 6-minutes on lot 1. On lot 2, the percs were under 5 minutes. We are confident that we have good soils.

Mr. Astorino: That is just the poor soil protocol.

Zen Wojcik: Yes.

Comment #7: Label the approximate location of the septic system on SBL 26-1-30.

Karen Emmerich: Will do.

Comment #8: On the Sight Distance diagram, indicate that actual sight distance equals or exceeds minimum sight distance.

Karen Emmerich: Ok.

Comment #9: Provide the deed and the recording information on the map for the lot line changes.

Karen Emmerich: Do you want that for the future lot line changes?

Mr. Bollenbach: Yes. It would be for the ones that are proposed.

Karen Emmerich: Yes. Ok.

Comment #10: Label SBL 26-1-67.1 on the plan. The conveyance of certain areas in the lot-line change proposed between Lots 67.1 and 67.22 is confused; clarify.

Karen Emmerich: Will do.

Comment #11: The lands proposed for subdivision into Lots 1 and 2 are currently part of the Edwards tree farm. Applicant to discuss if the trees will remain or be removed. If they will be removed, provide notes for stabilization of the cleared land.

Ted Edwards: I was just planning to remove enough trees to be able to build the houses. The reason why I was proposing to rent these places would be so I could still operate a tree farm on the property in the back of these houses.

Mr. Kowal: How many trees do you typically remove in a year?

Ted Edwards: We remove about 2,000 to 3,000 trees a year.

Mr. Astorino: Zen, what are we looking for here? Are we looking at erosion control?

Zen Wojcik: Yes. Mr. Edwards grows these trees to sell these trees. I assume you take them out with their root balls.

Ted Edwards: Right.

Zen Wojcik: I took a look at the aerial photograph. There are a lot of trees out there. When you would be digging out those trees, you will be having a lot of dirt out there. Unless, you will be selling the lots with the trees on them, which would be one possibility or you will be removing them. There would be a statement on the plan saying orchard grass or whatever would be planted there.

Ted Edwards: My intent would be to just remove enough trees in the front so I could build the houses and have nice lawns.

Mr. Bollenbach: We could indicate limits of disturbance. If it is within your tree farm operation, there is greater latitude under the Ag and Markets. Once it would be subdivided off and it becomes a residential lot, we would have a little more control over the soil erosion control measures. That could be developed as it goes along.

Mr. Astorino: We have a comment from the Conservation Board, dated 11/17/09. They talk about the overall development plan.

Karen Emmerich: We have an overall development plan. We could show that to you at the Work Session.

Mr. Bollenbach: Ted, that would be one issue for you to take a look at the overall development plan. I will have to confirm if in fact this would still be a minor. I would have to evaluate that. I also thought there was a page 2 of the comments. I believe there was a comment #12 that was omitted. Ted, perhaps you could get together some of the criteria for the classes of opting into the AP-O District. There are certain additional site requirements related to the AP-O District. There are certain burdens that go with the benefit. Ted, if you could go over that particular criteria, then it could be discussed with the Board at some point in time.

Mr. Astorino: Ok. You are all set. You will be back.

Karen Emmerich: Thank you.

Ted Edwards: Thank you.

Other Considerations:

- 1. The Gables @ Warwick Subdivision** – Letter from Karen Emmerich from Lehman & Getz Engineering, dated 11/5/09 addressed to the Planning Board in regards to the Gables @ Warwick Subdivision, requesting a “**2nd Re-Approval**” of Final Approval of a Proposed 15-Lot Cluster subdivision, situated on tax parcel S 44 B 1 L 132; parcel located along the southern side of NYS Route 17A at the intersection of the east end of Ketchum Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York. Final Approval was granted on, 12/5/07. Re-Approval of Final Approval was granted on 12/3/08 became effective on 12/5/08. *The applicant has stated that the project is dependent on a water supply system that is proposed for both the Gables and the neighboring project, BCM. That project is on hold due to the uncertain financial conditions, and the fact that banks are not issuing loans for development projects. As a result, this subdivision, like many others currently before the Board, is not able to proceed until the financial climate improves. In addition, the two owners require legal agreements for the shared services, and these have not yet been finalized.* The **2nd Re-Approval** of Final Approval becomes effective on, 12/5/09, subject to the conditions of Final Approval granted on, 12/5/07.

Mr. McConnell makes a motion on the Gables @ Warwick Subdivision application, granting “**2nd Re-Approval**” of Final Approval of a proposed 15-Lt cluster subdivision, situated on tax parcel S 44 B 1 L 132; parcel located along the southern side of NYS Route 17A at the intersection of the east end of Ketchum Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of Final Approval granted on, 12/5/07. **2nd Re-Approval** of Final Approval becomes effective on, 12/5/09.

Seconded by Mr. Kowal.

Mr. Singer: Why haven't those legal agreements been done?

Mr. Bollenbach: They had been done originally. They were signed off by the Town Board. The time has since exceeded what was originally anticipated. That is currently in negotiation with the Town Board.

Mr. Singer: Ok.

Mr. Bollenbach: That was a similar condition of the prior approval. All of the conditions of the approval have not yet been satisfied. We just went over it and reiterated the conditions of the prior approval that we are still going with.

Mr. Singer: Ok.

Motion carried; 4-Ayes.

2. Planning Board Minutes of 11/4/09 – Planning Board to Approve the 11/4/09 Planning Board Minutes.

Mr. McConnell makes a motion to Approve the 11/4/09 Planning Board Minutes.

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

3. Planning Board to discuss cancelling the 12/28/09 Work Session and the 1/6/10 Planning Board meeting – due to the Christmas & New Year Holidays.

Mr. McConnell makes a motion to cancel the 12/28/09 Work Session and the 1/6/10 Planning Board meeting.

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

Correspondences:

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

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 18, 2009 Planning Board meeting.

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

