

TOWN OF WARWICK PLANNING BOARD

December 3, 2008

Members present: Chairman, Benjamin Astorino  
Russell Kowal, Dennis McConnell  
Roger Showalter, Carl Singer  
Zen Wojcik, Tectonic Engineering  
J. Theodore Fink, Greenplan

The regular meeting of the Town of Warwick Planning Board was held Wednesday, December 3, 2008 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

**PUBLIC HEARING OF Cardiac Care Systems, Inc.**

Application for Preliminary Approval of a proposed 7-Lot plus 1-Lot of Open Space Conservation Density Subdivision, entitled, "*Cascade Road Subdivision*", situated on tax parcel S 53 B 1 L 8; parcel located on the northerly side of Cascade Road 710± feet east of Cascade Park Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York. Continued Public Hearing from the 10/15/08 Planning Board meeting.

Representing the applicant: Abe Chitsaz, P.E. from Zimmerman Engineering.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
  - A. OC Planning review.
2. Applicant to discuss project.
3. Board and applicant to discuss drilling and testing of wells.
4. The outlet of the proposed stormwater management pond is directed outside the boundary of the parcel, towards SBL 64-2-9. Provide an easement from the adjoining property owner for the directed outflow.

**THE FOLLOWING COMMENTS WERE READ AT THE 10/15/08 PUBLIC HEARING:**

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

**BEFORE FINAL APPROVAL:**

8. Provide 9-1-1 addressing.
9. Provide a signed copy of the NOI. Applicant to provide signed and sealed copy of the final revised SWPPP.
10. Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners and stone cairns at the corners of conservation areas, as directed by the Town Engineer.
11. Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes and Radon Reduction Notes.

12. Provide the declaration and the recording information on the plan for Common Driveway and Private Road and Drainage Use and Maintenance Agreement.
13. Provide an offer of dedication for road strip for Town Board approval.
14. Pay performance bond and construction inspection fee for private road, stormwater management facilities, and erosion control.
15. Pay parkland fees.
16. Pay outstanding review fees.
17. Provide Final Application Submittal and Final Fees

The following comment submitted by the Conservation Board:

Cascade Road Subdivision – None submitted.

The following comment submitted by the ARB.

Cascade Road Subdivision – None submitted.

Comment #1: Board to discuss SEQR.

A. OC Planning review.

Mr. Fink: The Planning Board has been acting as Lead Agency under SEQR. We have been using the long EAF to assess impacts. There was some additional information and corrections that we are asking the applicant to provide us under SEQR. The comments which pertain to SEQR are 3 through 7 and 11, 14, and 15. These comments pertain primarily to groundwater and surface water quality and quantity. The comments also pertain to the Ridgeline Overlay, Radon, Open Space, and Erosion Control. Regarding the OC Planning review, we received a letter from the OC Planning Department dated 9/18/08. They have about 5 comments on the proposed subdivision. Some of the comments they consider as binding comments. This has to do with the parcel configuration and the freshwater wetlands. OC Planning also had comments about road access, open space, and pedestrian access. The last 3 comments they consider as advisory comments. In regards to the State and Federal Wetlands on the site, they are asking to reconfigure the parcels in such a way that the proposed parcels are adjacent to each other and as close to the road as is feasible. They also recommend that the number of parcels should be reduced in size as much as feasible given the soil types and other conditions on the site. OC Planning also recommends that the parcels should be reconfigured to shift development away from the designated wetlands, in particular the proposed septic leach field for lot 3. They recommend that the number of parcels be reduced, in order to reduce the potential wetland impact. Those were the binding comments. Their advisory comments as far as road access are again a recommendation that the lots should be reconfigured so that all parcels take access from the onsite road. They recommend that the project should be redesigned so that each of the proposed lots consists of one contiguous piece of land, as parcels bisected by roads contain more unusable area due to their increased road setback areas. As far as the open space, they would like to see the open space reconfigured so that the majority of the open space should be adjacent to the County Park. They further recommend that the open space should be owned and maintained by a nonprofit conservation group, or that other arrangements should be made for its ownership and maintenance in perpetuity. As far as pedestrian access, they state that no pedestrian access is included in the proposal for this project. They also recommend redesigning the project to include trails that connect to the County Park and to surrounding development. That is proposed.

Comment #2: Applicant to discuss project.

Abe Chitsaz: Since the last meeting, we conducted a site visit based upon the Planning Board's recommendation with a third party. This person had knowledge about mineshafts in the area. We walked and combed the site to confirm that there are no mineshafts on the site. That was the conclusion of the site visit. I contacted Dr. Kelly, a New York State Geologist, Office of State Geologist at the NYS Museum. We received a confirmation letter from him stating that there are no mineshafts on this property. Since the last meeting, there have been no other changes to the plans.

Mr. Astorino: We do have a letter from Albany regarding the mineshafts.

Comment #3: Board and applicant to discuss drilling and testing of wells.

Mr. Astorino: This was something we discussed amongst ourselves at the work session due to potential uranium at the site. We don't have the final answer to that yet. We are going to request that the applicant drill a well. They are to have it tested for quality, quantity, and monitoring of neighbor's wells. At the last public hearing, there were issues with adjoining wells as far as quantity of water. This will try to address those concerns before we move any further on this project. Is that the Board's understanding?

Mr. McConnell: Yes.

Mr. Singer: We have to make it clearer. We are asking the applicant to test for radon, uranium, and quantity.

Mr. Astorino: Yes. We have a protocol for that.

Mr. Singer: Then, have it monitored by all homes that agree to it within 1000 feet of the well.

Mr. Astorino: Yes. Is the Board ok with that?

Mr. McConnell: Yes.

Mr. Singer: Is the applicant ok with it?

Abe Chitsaz: As far as drilling the well for quantity and quality, I guess the request is based on the suspicion that there would be radon in the water.

Mr. Astorino: The Board wants to know what we are dealing with.

Abe Chitsaz: So, we are going to do the test for the radon.

Mr. Singer: There will be 3 tests done.

Mr. Astorino: There will be a protocol through our Board and Professionals directed to the applicant.

Comment #4: The outlet of the proposed stormwater management pond is directed outside the boundary of the parcel, towards SBL 64-2-9. Provide an easement from the adjoining property owner for the directed outflow.

Mr. Astorino: We discussed this at the work session. Zen, do you want to chime in on that?

Zen Wojcik: The outflow right now is directed towards the property line. It will go out to the neighbor's property. You would have to either get an easement from that property owner for the outflow or to redesign the outflow so that it stays within the property and directed towards a body of water. It is the applicant's option.

Abe Chitsaz: Ok. Since the last meeting, I redesigned the pond to have it discharge away from the property line.

Mr. Astorino: Ok. That would have to be something to be reviewed. The rest of the comments are the same from the last 10/15/08 public hearing. We will list comments 5 through 17 for the record. Do any Board members or Professionals have any comment?

**THE FOLLOWING COMMENTS WERE READ AT THE 10/15/08 PUBLIC HEARING:**

Comment #5: Applicant to discuss ownership of and public access to open space Lot 8.

Comment #6: Provide calculations for rip rap sizing for the pipe coming into the forebay. Also revise the peak flow used to size the rip-rap in worksheet under Appendix G. Note that these items should be sized for the 10-year storm event.

Comment #7: Proposed culverts should be sized for 10-year storm event. Revise worksheet under Appendix F.

**BEFORE FINAL APPROVAL:**

Comment #8: Provide 9-1-1 addressing.

Comment #9: Provide a signed copy of the NOI. Applicant to provide signed and sealed copy of the final revised SWPPP.

Comment #10: Certify setting of iron pins. Surveyor to certify that iron rods have been set at all property corners and stone cairns at the corners of conservation areas, as directed by the Town Engineer.

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

Comment #12: Provide the declaration and the recording information on the plan for Common Driveway and Private Road and Drainage Use and Maintenance Agreement.

Comment #13: Provide an offer of dedication for road strip for Town Board approval.

Comment #14: Pay performance bond and construction inspection fee for private road, stormwater management facilities, and erosion control.

Comment #15: Pay parkland fees.

Comment #16: Pay outstanding review fees.

Comment #17: Provide Final Application Submittal and Final Fees.

Mr. Singer: If we are going to have comments from the public, if we heard them before, we should not hear repeats.

Mr. Astorino: Yes. I was going to make an announcement to the public. We had an extensive public hearing the last time. It doesn't mean that we don't want to hear your comments. This application will be adjourned without date. We are not going to take any

action on it this evening. We will adjourn it without date until we get the information that we requested at this point. Everyone will be re-noticed again for an additional public hearing. If there is anyone in the audience wishing to address the Cascade Road application, please rise and state your name for the record.

Maureen Cuddeback: I am one of the 5 houses that the water would run onto my property. Under the law, I find that as a nuisance. I have read about all of the Board's meetings from now back to the year 2000. It is a horrible situation when you have so many developments going on. It is so complex. I am not comfortable with having a landowner go up and check out land, which is not an expert. They are working in conjunction with Dr. Kelly. I understand that. I appreciate that. He is a NYS Geologist. This is the same man that I had a conversation with not knowing that was the Geologist who worked with you over the phone. I have been working with him on the phone. I had to educate him on the mining that had occurred in this region. He only knew of major mining companies. The fact of the matter is Ramapo Uranium sent a letter. I presented it to all residents. You really don't have a clear understanding on how many places were mined.

Mr. Astorino: I believe Dr. Hull had sent us an email on some maps. Zen, could you clarify that? I believe the maps were located.

Maureen Cuddeback: I found the maps.

Zen Wojcik: There was an email from Dr. Hull. He discussed a report that was presented by Pat McConnell in 1980. That was at a time when the Town was considering whether to allow uranium mining or not. It is not allowed in the Town anymore. This was part of the record for the ordinance restricting uranium mining in the Town of Warwick.

Maureen Cuddeback: What lead them to do the report was that oil companies were up there extracting uranium as it was done with Ramapo and other companies as well as private individuals.

Mr. Showalter: After reading this, what I get out of it is I think they were exploring for the uranium. I am talking about the report dated 12/8/80 from Pat McConnell that Zen handed to us. This report that I read stated that there was about 5,000 tons or 4,800 tons of uranium possibly in our area. It is stated in the western part of the U.S. that 150,000 tons are mined every year. If there was that much uranium here, I think they would have mined it.

Maureen Cuddeback: They did.

Mr. Showalter: I am talking about a feasible amount. They did mine some. What I think they found and learned was that there was not enough here to be worthwhile to open up a large-scale operation.

Maureen Cuddeback: That is a theory that you are talking about. I go by facts. I have facts to show you. Ramapo had done a study. They removed the uranium. It shows you the concentration. It was confirmed with Dr. Hull what they had found as far as the unique concentration. It was a clinical breakdown of the actual testing of the uranium.

Mr. McConnell: You said that you know they extracted uranium.

Maureen Cuddeback: They were able to extract it.

Mr. McConnell: You said that you had a map.

Maureen Cuddeback: Yes. I have a map that shows a different story line.

Mr. McConnell: Do you have a map that shows mines on this particular property?

Maureen Cuddeback: No.

Mr. McConnell: Ok. I just wanted to establish that.

Maureen Cuddeback: I have a map showing that a PhD Chemist owned 3,000 acres of land. She went up to the mountain and extracted iron ore. She pulled it out. She heated it. I believe uranium was with it.

Mr. McConnell: Was it from this piece of property or you don't know?

Maureen Cuddeback: I do know.

Mr. McConnell: Show us the map that shows extraction was done on this property.

Mr. Astorino: Submit it for the record. We will then go through it.

Maureen Cuddeback: Could you show me where it wasn't on the map?

Mr. McConnell: No. I can't prove a negative.

Maureen Cuddeback: I can't prove a negative either by allowing someone to go up to his own property to check to see if there are shafts.

Mr. Astorino: There was a lot of comments to this Board of some open mineshafts.

Maureen Cuddeback: There was only one story. I could have an affidavit signed.

Mr. Astorino: I heard what was here. It is in the minutes. I am going back to what I heard. I was at this meeting. The bottom line was that someone brought up that they heard there was an open mineshaft. They dropped a stone down there. They counted to 25. Then, they heard it hit the water. To me, that was a big hole on somebody's property. The gentleman that we asked to go out to the site is not an expert, but he is someone who grew up in this area that is a hobbyist for these mines. At the last public hearing, I heard of some people that traversed this gentleman's property and said that there were these mines. We asked as a Planning Board, for this gentleman to go out to the site with the applicant. If there were any mineshafts or holes, he was to identify them, flag them, and bring them back to the Board. His conclusion was that he walked the site and did not see anything. He did say that on the other side of the mountain they are very prevalent. That was the reason for him going out there. Then they went to Albany. That is something else we have to decipher regarding the letter from them and our Professionals who had made contact with him.

Maureen Cuddeback: I have some photos to present of the Standish mines. When you are walking on a piece of land where vegetation might grow for 30, 40 up to 50 years, I understand what you are saying and appreciate that this man has a hobby.

Mr. Astorino: He is a local resident who grew up in the Warwick area. His name is Mark Faulls. He is a hobbyist. This is his hobby. He likes to go around and check out mines. It is interesting to him. To me, that was a good source for someone who has been in this area 40+ years.

Maureen Cuddeback: I am not doubting your thoughts.

Mr. Showalter: This person collects all kinds of rocks.

Maureen Cuddeback: But, you could see that these things are hidden.

Mr. Astorino: That is why this Board is still pursuing other avenues.

Maureen Cuddeback: I like to recommend that you take someone else out there who lives on Buttermilk Falls Road who is far more knowledgeable of the land behind his land. You have met him. He said that he identified 18 of them.

Mr. Astorino: Was that done on the applicant's property?

Maureen Cuddeback: Yes. It was done prior to the signs that went up private property.

Mr. Astorino: I am not going to go back to who is trespassing on who's land. That is immaterial at this point.

Maureen Cuddeback: Could I have permission to go onto the applicant's property?

Abe Chitsaz: First of all, it is not my property. I am the Engineer.

Maureen Cuddeback: I thought you were introduced as the owner.

Abe Chitsaz: I am the Engineer representing the applicant.

Maureen Cuddeback: Ok. I had done a complete study on this woman, Fannie R. M. Hitchcock. In 1894, she received her PhD. She was in Pennsylvania. She studied in Berlin at the finest science college. She came to Warwick. She started obtaining farmland in form of mining. She decided to buy the entire mountain. At one time, she owned 3,000 acres of land. She controlled the water. I presented to the Board the land restriction from 1918. She received a summons and came to an agreement. This is her map. This is her land.

Zen Wojcik: Connie, have you received this map from Mrs. Cuddeback?

Connie Sardo: No.

Zen Wojcik: If you present something to the Board and it does not get to the secretary, it doesn't get to be part of the record.

Mr. Astorino: If you could present that map to us, it would be great.

Maureen Cuddeback: Ok. I will present to the Board a map that was done in 1923 called the Lands of Fannie R.M. Hitchcock. It was done by a surveyor that was very well known here. We have been searching for this map for a couple of months.

Mr. Astorino: On this Fannie Hitchcock map, where is the Cascade Road project?

Mr. Astorino and Zen Wojcik take a look at the Fannie Hitchcock map and locate where the Cascade Road subdivision is located on the map which was called at the time George Birdsall property. They highlighted on the map the site location of the Cascade Road subdivision.

Zen Wojcik: I am looking at a map called Lands of Fannie R. M. Hitchcock, Bellvale, Orange County, N.Y. The map was done by Pierson Booth from Warwick, New York a long time ago. You have identified the property, which was at that time she acquired it from George Birdsall Tracts. There is nothing else on that property. There is no sign that says there is a mine.

Maureen Cuddeback: She did not need to put a sign up. It was her own property.

Zen Wojcik: You are presenting a map to the Board. You told the Board that you have a map.

Maureen Cuddeback: Right.

Zen Wojcik: You said that you have a map that you could show that there was mining done and uranium on this parcel. Mr. McConnell asked you specifically. You said, yes that you had a map. You presented us this map.

Maureen Cuddeback: Ok.

Zen Wojcik: This parcel here that was formerly the George Birdsall Tract is identical in a way to any other one. This one doesn't have a mine on it. It doesn't have a sign that says it has uranium or any other mineral on it. I agree that this woman owned a lot of land. There is nothing on this map that tells me that there was uranium on this property.

Maureen Cuddeback: Let me clarify that.

Mr. McConnell: I asked you if you had a map that showed mines on this property. You said, yes.

Maureen Cuddeback: Ok. I didn't quite understand that. The bottom line is that I have no doubt. This was her land. She was a chemist. It was documented in a book. I spoke to Ted Sly's office and numerous people. I don't take this lightly.

Mr. McConnell: We are not taking it lightly either.

Maureen Cuddeback: Ok.

Mr. McConnell: All you could say with certainty is that on her land which is 3000 acres, she found certain things. We are not concerned with her land in sense of the 3000 acres. What

we have in front of us is a parcel of land of 100 acres. We are trying to determine if on that 100 acres, if there is uranium or the remains of mines for uranium. Am I right or wrong?

Mr. Astorino: You are right.

Mr. McConnell: I am not suggesting that she didn't find uranium on her land. I don't care. We are going to find out if any of it had migrated to this parcel by asking the applicant to do these well tests. The other thing to do is to go out there and strip mine everything to see what we find underneath it. That would be ridiculous. We want to find out if there is uranium that would have an effect. How would it have an effect? It would be by the water, radon gas, etc... That is what we are doing. It doesn't matter in the sense of this applicant that she found uranium on her property. We already know that there is uranium up on that mountain somewhere. That is why we are having this discussion. That is why we have radon notes that we regularly put on subdivisions. We are not disbelieving you. We are trying to get to the specifics of it. Where was the mining done? Where was the uranium found? Do you have that information on this parcel?

Maureen Cuddeback: I am not allowed without permission to enter his parcel. I would personally go up there and identify it by leaving them markers.

Mr. McConnell: We might ask the applicant to take you and our engineer to the property. We might get to that. Right now tonight, you don't have that information.

Maureen Cuddeback: No.

Mr. Singer: Ben, you mentioned that a hobbyist has looked for these mines.

Mr. Astorino: Yes.

Mr. Singer: Is there some professional who is not a hobbyist that could look for the mines?

Mr. Astorino: Let us get through the public hearing first. It seems that there are some residents here tonight that may or may not know. We will talk to our Professionals about that later on.

Mr. Singer: Ok.

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

Janice Sullivan: I live on Buttermilk Falls Road. I handed to the Board a green document called the Standish Mine. There is a website that I found. I do this as a hobby. They found 3 mines that they believe was located on this property. I don't have the longitude/latitude for it yet. I could get that. One of them is called the Standish Mine and the other is called the Rayner Mine, and another is called the Birdsall Mine. Those are just the 3 mines. There are 2 other mines.

Mr. Showalter: This was gone over in 1980.

Zen Wojcik: The email we have from Dr. William Kelly a NYS Geologist who was contacted by Zimmerman Engineering, dated 10/27/08 is stated as follow: *“Regarding the question of underground mining at the site at the coordinates below, there definitely has not*

*been any mining in the vicinity for the last 50 years. Your property is near, but not on, the site of the Standish Mine which was near Cascade Road. The Standish was a seam 2 to 8 feet that could be traced for about a half mile. It was at 41.22N – 74.35W and last worked in 1880. There was another mine, the Rayner, located west of the Standish about half a mile. This mine had a shaft that was reported in 1921 to be caved in. There were open cuts at both of these operations which are probably still visible. The Rayner also ceased operations in the 19<sup>th</sup> century.”* The NYS Geologist stated that the property is near but not on the site of these mines.

Mr. Astorino: The only one that wasn't addressed in that was the Birdsall Mine. That is something we will research.

Mr. McConnell: Yes. We want to find out.

Janice Sullivan: Ok. Thank you.

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

Christine Kick: I live on Buttermilk Falls Road. The last time when I was up here, I went through an extensive letter that I shared with you with many questions. I was told that you would have all the answers to those questions. I also went through the minutes. There were questions that you as a Board had raised yourself. I have not heard any response to your questions or to my questions.

Mr. Astorino: That is why we are not taking any action on this project. We had a work session as we do with every application. When we make our decision, we will act on it. As you well know, even through the question that we had this evening; we don't have answers to any of these. We don't have the information. The well hasn't even been dug. We don't know what is in the water out there. That is a big issue to us.

Christine Kick: Regarding that well, at the last public hearing, you referenced someplace in Pine Island where there was a well dug, then 15 feet from that well, you dug another well. You mentioned that one well had uranium and the other well did not. I would like to base upon statements that you had said to ask you how one well, if you moved that one well 30 feet in any direction, you could have completely different results. How is his one well that you are going to test satisfy the requirements?

Mr. Astorino: It could be that all 7 wells on that property could be fine. We don't know that yet.

Mr. Singer: We talked about this at the work session. We are going to ask them to do one well before we proceed any further. He will test all 7 wells before a C of O is issued on a house.

Mr. Astorino: It will be done before a building permit is issued.

Christine Kick: We mentioned the last time about some type of a bond in case we found out that all of our wells would be affected.

Mr. Astorino: There is no bond. We cannot issue a bond to protect your well. I don't think that you had given a bond to your neighbors when you put your home in. That is why we are

doing the monitoring. If anyone in that 1000 feet which is standard protocol for this Board to have their well monitored, you have the option to have your well monitored or not.

Mr. McConnell: That would be done at no cost to you.

Christine Kick: On his property, if he strategically locates his...

Mr. Astorino: We tell him where to put the well.

Christine Kick: My property borders his property. Considering that he is above me, any runoff that comes down to me, I would expect my property regardless of the 1000 feet... My property itself is 1000 feet.

Mr. Astorino: We decide which lot he would do.

Christine Kick: It would not affect my property nor the neighboring properties because his property and our properties are so large. Where is the location that you have determined?

Mr. McConnell: We haven't determined that yet.

Mr. Astorino: I think we were talking about lot #4.

Christine Kick: I have concerns about this well drilling location and monitoring.

Mr. Singer: What is your proposed solution?

Christine Kick: He should drill many wells on his property and test many of them.

Mr. Astorino: Mr. Singer had just made that point. Before a building permit is issued, all 7 wells would have to be tested.

Christine Kick: Would they all be tested? Then, would we all be retested? All neighbors within 1000 feet would be tested.

Mr. Astorino: That is something the Board has yet to determine. We are going to do this one well. The protocol that we have always gone within this Town, we are talking about 7 lots. I think what you are getting at is that you want a guarantee that your well would not be affected by their project. As a Board, we could not give you a guarantee. We are going to do our best to monitor with the protocol that we have. If these wells are adversely affected, then there would be a problem. I don't know. I haven't seen any reports. If any residents around this property want to bring in some well logs that had serious issues, you could do that. I know that we have it on record from some people. That is why we are going to this extreme to do this. Usually, we don't do this on a 7-lot subdivision. Zen, I think we do it on 10 lots or more.

Zen Wojcik: We had done this once under an extraordinary circumstance.

Mr. Astorino: With response to the public's comments, we are going a little above and beyond on what we usually do.

Christine Kick: Ok.

Mr. McConnell: We are imposing costs on the applicant that we don't ordinarily impose.

Mr. Singer: It is a tremendous cost to the applicant to do these tests. It is not cheap. We are enforcing them to do that.

Mr. Astorino: Now, it has to go to the residents within 1000 feet of the property to allow the monitoring. That is something that this Board cannot enforce or impose. A letter will be sent to those residents within 1000 feet from the applicant regarding the monitoring of the wells. Residents could refuse the monitoring. That would not be our fault.

Mr. Singer: Mrs. Kick, did you imply that your property is more than 1000 feet away?

Christine Kick: My property is over 1000 feet long. It goes up the mountain. It borders where that access road is.

Mr. Singer: Is your well more than 1000 feet from lot #4?

Christine Kick: It depends on where you decide to test the well.

Mr. Astorino: We will have to decide. We will see about that when we go through the protocol.

Mr. Singer: I don't think we are going to say that monitoring is only 1000 feet, if she is more than 1000 feet.

Mr. McConnell: It is if her property is within 1000 feet.

Christine Kick: My property abuts against the access road.

Mr. Showalter: Than, she would qualify.

Mr. Singer: It is not the property. It is where her well is.

Christine Kick: My well would be 1000 feet away. My well is located all the way down the mountain. My property is long and skinny.

Zen Wojcik: That is how all the lots on Buttermilk Falls Road are.

Mr. Singer: The question I am asking is if your well is 1000 feet or less from where we would be digging the well.

Christine Kick: It depends on where you would be digging the well.

Zen Wojcik: The Board might have to reconsider the distance.

Mr. Astorino: It is something we would have to look into.

Christine Kick: I don't know exactly where the mines are. There are residents that know. I volunteer our services to show the Board where the mines are.

Mr. Astorino: Do you know for a fact that there are open pit mines on this parcel?

Christine Kick: I have not seen them myself. John Clays has been up there. He has counted 18 of them.

Mr. Astorino: Do you mean open pit mines?

Christine Kick: Yes. Meaning, that there are holes.

Mr. Singer: Who is John Clays?

Christine Kick: He is a resident.

Mr. Astorino: I would suggest that the resident send a letter to the applicant. We can't force the applicant to allow someone onto his property.

Christine Kick: He will do it. If I asked him, he would show you where it is.

Zen Wojcik: If he wants to stop at the Town Hall, I am there on Tuesdays and Thursdays.

Christine Kick: I would have to ask him when it would be convenient with his schedule.

Mr. Astorino: That would be a good thing.

Mr. Showalter: Let me remind you that Mr. Clays would have to respond to Zen our Engineer in a timely manner. That way, it would keep everything moving.

Christine Kick: Ok.

Mr. Astorino: Would you let Mr. Clays know.

Christine Kick: That would not be a problem. You said something about changing where the overflow goes. What does that mean?

Mr. Astorino: He would have to redesign the stormwater ponds so that they are not out flowing onto someone else's property. That still has to be reviewed yet by our Professionals. I am not going to comment on that now.

Christine Kick: How about the parking lot? There was this big discussion about the parking lot that we asked. You decided that you wanted the parking lot and the residents don't want it. How would the parking lot be maintained? There were many questions about the parking lot.

Mr. Astorino: They are going to need parking for the trail.

Christine Kick: Didn't we already discuss that? There would be 2 accesses to where this trail would be.

Mr. Astorino: I don't think we have seen anything yet from the Trail Conference as far as them taking ownership.

Abe Chitsaz: Mr. O'Hearn from the NY/NJ Trail Conference is here. You could ask him some questions if you would like.

Mr. Astorino: Ok.

William O'Hearn: I am the Conservation and Advocacy Director of the NY/NJ Trail Conference. Our interest in the property is because we have been working with your Town Supervisor and some of the open space people in Warwick on trying to do a loop trail. I have a map of the trails to present. Looking at the map, it shows the Appalachian Trail that runs north/south and west of Greenwood Lake. What has been suggested is that these are parcels that might or might not allow access across. The interest here in Mr. Shirazi's parcel marked in red, we have a chance to go vertical or south to almost the whole stretch that we need. We have a loop trail that would make the Appalachian Trail in this direction accessible to the public coming from the west. That is our interest. That is why the Trail Conference is involved. In terms of ownership of the property, that does need some clarification. I think I have heard Orange County say that they would prefer us to own it permanently. Our understanding is a little bit different. Our understanding is that we would take the property as a donation or some sort of a minimal fee. As you could see geographically, it would make sense to add it to the County Park. That is the long term that we would prefer. We maintain trails. We do not hold land. We flip land. We then maintain the trails afterwards.

Mr. Astorino: Are you saying that you would design the trail?

William O'Hearn: Yes.

Mr. Astorino: Would you maintain the trail?

William O'Hearn: Yes.

Mr. Astorino: Then, the County Park would own the trail.

William O'Hearn: That is right.

Mr. McConnell: That would be their goal.

William O'Hearn: That would be our goal.

Mr. Astorino: Regarding the parking area, were we talking about 4 spots? I assumed that it would be a small parking area.

Abe Chitsaz: Yes. It would be a total of 200 square feet.

William O'Hearn: We would like to see a gravel parking area. Two or three cars is normally what we think we would need. As people had pointed out, this is one point of entry on Cascade Road where the property is. Another point of entry, it could be Cascade Park and it could be Warwick County Park.

Mr. Astorino: What you are saying is that we should have a parking lot size for 3 cars max.

William O'Hearn: I think so.

Mr. Showalter: The parking area would also be good for emergency vehicles. If they had to park an ambulance somewhere for someone that had been injured on the trail, they would be able to get to them.

William O'Hearn: Right.

Mr. Singer: You had said that you would maintain the trail. Does that mean you would also maintain the parking lot?

William O'Hearn: We could. We don't have heavy equipment. We could not do things like stone removal. In terms of leveling it out, raking it, picking up garbage, and adding gravel, we could handle that. We don't have equipment. I don't want to claim that we do. We don't. That is not what we do.

Mr. Astorino: You are talking about a parking area for 3 cars.

Mr. Singer: You mentioned that you spoke to our Supervisor. I understand that he was interested in having the Town own that.

William O'Hearn: That would be ok with us also.

Mr. Singer: Ben, isn't that what you understood?

Mr. Astorino: That is not our call. That is something they could work out with the Town Supervisor.

William O'Hearn: We don't want to own it. We just want to maintain the trail.

Christine Kick: During the last public hearing, we had a few different members from the NY/NJ Trail Conference here who testified that they did not do such a great job of maintaining the trails that are already there, such as litter that are on the trails, such as Cascade Lake where there are beer bottles thrown all over.

Mr. Astorino: That is the Town. That is not against them.

Christine Kick: I believe it was in the minutes regarding the members of the Trail Conference that stated they don't have the staff or the ability to maintain this problem.

William O'Hearn: That is a poor distinction. The staff doesn't do this work. We have volunteers that do the work.

Mr. Astorino: With that being said from a resident that might be something that this Board might want some assurance on. Maybe, in my opinion that would be a payment from whoever would be the owner of this parcel to the Trail Conference to clean this up? If the County or Town of Warwick owns it, someone would have to clean it up. That would be something that we would have to get more information on.

Christine Kick: Who would police the trail and the parking area?

Mr. McConnell: The policing of the parking would be the Town of Warwick Police.

William O'Hearn: Right. That we would not do.

Christine Kick: I am for trails. My problem is the parking and the maintenance of it.

Mr. Astorino: The way I see it, you are looking at 3 cars parked off the side of Cascade Road. In all honesty, if they did not put a small turn out there, they would park on the edge of Cascade Road if you would like it or not. What is worse? I think you would be safer this way with a parking area.

Christine Kick: As long as it is maintained.

Mr. Astorino: That would be something that we would have to put into the comments regarding the maintenance of it. Mr. O'Hearn has pointed out that none of that would be a problem at this time. We still need to find out who would be taking ownership of it. We do not know that yet.

William O'Hearn: That is an open issue.

Christine Kick: I think there was something that we said the last time to the effect that the current owners would be putting up some type of dollar figure for the maintenance of this.

Mr. Astorino: I think it was pointed out that sometime there is a donation of the land and then a fee to maintain it. The O.C. Land Trust does that. We had an application that the applicant donated 300 acres and a yearly fee to the Land Trust in order to maintain it. That is something that has yet to be determined yet. We don't have all the information yet.

Christine Kick: I think that would be an important thing, to have a yearly maintenance fee. I think you should have that in there for at least 50 to 75 years. That is to make sure that it is consistently done.

Mr. Astorino: Again, that would be something that we would have to look into and decide who would have ownership of this.

Mr. Singer: I would like to point out that the owner/developer of the property gains nothing in giving this to the Trail Conference. He is going to give them the land. Then, they are going to ask him to give him big bucks to maintain the trail.

Christine Kick: Why would they be doing this if there wasn't a benefit for him?

Mr. Singer: There is no benefit to him.

Christine Kick: Yes. There is. The benefit to him would be that we would be able to build this subdivision.

Mr. Astorino: No. It is not.

Mr. Singer: He would be getting nothing for it.

Mr. Astorino: Mrs. Kick, I think you are really mistaken on that point. This is just one part of this subdivision. We have not addressed the other concerns.

Christine Kick: I want this Board to ask the applicant if he is planning on giving this regardless if this is approved or not, meaning the houses not the trail.

Mr. Showalter: He is getting bupkis! He is doing this to enhance the quality of life of the people, of the residents of the Town who would be able to use it.

Mr. Astorino: It is also something the Town encourages. When we see an applicant like this, we would encourage him to do so.

Christine Kick: But, he wants to build 7 houses.

Mr. Astorino: Exactly. He wants to develop his property.

Mr. Showalter: He could do nothing. He could say sorry, I am not doing anything.

Mr. Astorino: He would still be able to build 7 houses.

Mr. Showalter: He could do whatever he wants with his land. It is his land.

Mr. Astorino: We have to follow the Code. You are jumping to step 10. We are on step 3. You are thinking that he has received approval already. He has no approval yet. That is why they are here. You might not like the trail. That would be fine. This Board has to make a decision on if it would be a benefit to the community, does it fall into the Comprehensive Plan, and Zoning.

Christine Kick: He is doing this cluster housing.

Mr. Astorino: It is not a cluster. It is a Conservation Density subdivision. That is totally different.

Mr. McConnell: Mrs. Kick, you are completely misunderstanding the process here. There is nothing we could do to require him to give this land to the Trail Conference or to anyone else.

Christine Kick: I do understand that. But, he is not doing this out of the kindness of his heart.

Mr. McConnell: It is not for me to question his motives. I know that we don't have a condition of approval that he donated this land. I just want to make it clear for the record that there is no agreement that in order for him to get his approvals, he must give this land. He could keep it.

Christine Kick: I understand that.

Mr. Astorino: Do you have any further questions?

Christine Kick: You were concerned about if there was mining going on in the past.

Mr. Astorino: Are you talking about on this site?

Christine Kick: Yes. Back in 1956, all of the neighbors in general, were asked if they would like to have their land used for mining purposes. My neighbor, his parents had agreed to it. They gave a mining lease.

Mr. Astorino: Is it on this site or the neighbor's site?

Christine Kick: Right. It abuts against their property. It proves that all of these properties in these areas were sought after for mining.

Mr. McConnell: You just made a leap there. It was sought after for mining. Then, you leaped to that mining had occurred there.

Christine Kick: Mining had occurred.

Mr. McConnell: Somewhere up there mining had occurred.

Mr. Astorino: That is what we are trying to determine.

Christine Kick: I have a mining lease to present to the Board for Fred's property. This was given out to every single property owner in the area.

Mr. Astorino: We still don't know. Do you have a copy for this parcel?

Mr. McConnell: Ben, it doesn't really matter. The fact that they entered into a lease for it, it doesn't mean that they actually put a shovel into the ground. They contracted for the right to do something. That is not the same thing that they actually did. We have beaten this horse to death.

Christine Kick: The most important thing is that we had requested that a full Environmental Impact Study be done. I am not talking about the long form or the short form. We request that a full EIS be done. If the owner has no problems and feel that this property is 100% worthy of being built on, they should have no problem in having the full EIS done.

Mr. Astorino: That would be the decision of the Board. The Board will make that determination if we feel it is necessary.

Christine Kick: You said you would have a workshop and this meeting. You said you would make that decision.

Mr. Astorino: Let me explain the process. This project started back when they came to us at meetings and addressed concerns. This project is still moving forward. Now, we have reached the public comment period. We have work sessions for every application that is before us. We have 2 work sessions a month. We have 2 public meetings a month. We don't make a determination at a work session. We go through comments; we bring out our concerns, and then open it to the public to get more concerns. When we feel comfortable as a Board that every issue is addressed through SEQOR and through the public that has any

meaningful comment that we could address, we will. As far as the EIS that was brought up at the last meeting, the Board still believes that we are going on the long EAF at this point. At any point in time during the SEQR process that this Board deems it necessary to go to the full EIS, we would do so. But until then, we will continue with the information that we are gathering right now.

Christine Kick: I feel there were many questions raised the last time. We have not received any response to them.

Mr. Astorino: We don't have to give you a response right now. We are still in the process of gathering information. I am not going to give you half-baked answers to questions that were asked. We want to know what we have out there. We don't know if any mining took place on that site or not. It seems that mining was done out there. But, on this 100-acre site, we don't know if it took place here.

Mr. Singer: Why are we so interested in finding whether or not if there were mines there? What we should be concerned about is the water. When we do the wells, we will find out about the water. Whether there are mines somewhere on the property or not, it makes no difference.

Christine Kick: As Zen had said in the past meeting we had, if you move that well 15 to 30 feet in the opposite direction, you could have completely different results.

Mr. Astorino: Have you ever had your well tested for uranium?

Christine Kick: No.

Mr. Astorino: Theoretically, your well could have uranium in it. We don't know. We are taking our best shot here to dig a well to find out. If there is uranium, from my years on this Board, I know that it is treatable. There are systems you could put in to treat it. If you tested your well and found that it had uranium in it, I am sure you would find a way to treat it. Is that correct?

Christine Kick: Sure.

Mr. Astorino: If this well comes back positive or negative with uranium, the notes would still be on the plan stating that every well must be dug before a building permit is issued; and that it would have to be tested for uranium. They are going to dig a well on every lot regardless.

Mr. Singer: They might dig more than one well. If they dig a well and could not get water, then they would dig another well until they do.

Christine Kick: How much water are we talking? Would that be defined?

Zen Wojcik: It would be 5 g.p.m.

Mr. Astorino: Do you have anything further?

Christine Kick: That is it.

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

Fred Pollard: What is the purpose of putting those 7 houses on top of the hill? I am located on the bottom of the hill. Would they be rented or sold?

Mr. Astorino: I am sure they would be sold. That would be up to the applicant.

Fred Pollard: Is that a fact or theory?

Mr. Singer: It doesn't matter to us.

Mr. Astorino: We don't care what he does with them. If he sells them or have 7 family members that want to live in them, that would be up to the applicant.

Fred Pollard: Can't you tell me if he would be renting them or selling them?

Mr. Astorino: As long as they are built in conformance with the Code, we can't force him to rent or sell them.

Mr. McConnell: Mr. Pollard, what is your concern?

Fred Pollard: I just want to know if they would be rented or sold?

Mr. McConnell: Ordinarily, the subdivisions that we see, those are designed to be sold. That is not a question we ask the applicant. It has no bearing on the process.

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

Steve Max Droge: I live on Cascade Road. I would like to present to you with a story that I have heard. I don't know if there is fact to this story. I was told this story from a fellow that has lived on Cascade Road for approximately 60 years. Because radon and uranium are incredible variables to the health of our community, I mean variable with an X as a great multiplier. This fellow was going up to the mines. It might not have been on this property. It might have been on the Birdsall property. The hillbilly rumor was that he was selling rocks, healing rocks in the back of Popular Science or Popular Mechanics. Somebody came in after he was doing this for years and shut him down. This goes with the fact that uranium and radon are wonderful variables to everybody's health. Please proceed with caution.

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

Maggie Ross: How deep is the well?

Mr. Singer: They dig the well until they get 5 g.p.m.

Mr. Astorino: We don't know that yet. It would have to be determined when they dig the well.

Maggie Ross: Ok. Thank you.

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

Janice Sullivan: I live on Buttermilk Falls Road. Earlier, you mentioned that the O.C. Planning Department had asked the applicant to redesign almost the entire plans. Would we be seeing the new preliminary plans?

Mr. Astorino: If the Board decides to act that way. The County had sent us some comments. I think some of the comments that I have read, I don't think they understand the Conservation Density part of the subdivision. I think they addressed it as a cluster type.

Mr. Fink: Right.

Mr. Astorino: I think that is something we have to look at and get in contact with the County. We have to make sure they understand the Code as we understand the Code. We have to follow the Town of Warwick Code. They gave us binding comments. We will take them seriously.

Janice Sullivan: Ok. There were also a few advisory comments on there. I also heard mention of the soil types. That was another reason why they wanted things setback.

Mr. Astorino: They talked about wetlands. There are setbacks regulations on the site. They do meet those requirements. I am not sure where the County is with this. Again, we would have to call the County about that.

Mr. Singer: We don't have to listen to the County. We can override the County.

Mr. Astorino: It is good practice to follow up with them. We always do that.

Janice Sullivan: Would we get to see new plans?

Mr. Astorino: Yes. There will be revisions done to the stormwater. There will be more notes. There will be notes to where the well would be dug. There would be monitoring of it as well. It is still going through the process.

Connie Sardo: You could always give the Planning office a call to find out if anything new has been submitted. We are open from 8:30 a.m. to 4:00 p.m.

Janice Sullivan: You also mentioned that we would be re-notified. Would this public hearing be adjourned to another meeting?

Mr. Astorino: Yes. We are going to adjourn it without date. We don't know or the applicant doesn't know when the tests would be done. We are going into winter now. We are going to adjourn this public hearing without date. It will be re-noticed.

Janice Sullivan: Ok.

Connie Sardo: You could always check the Town's website.

Mr. Singer: It would also be advertised in the Dispatch.

Christine Kick: The first time around all of the notices were not correct. I wasn't notified because on their plan my property was listed as the Maydl property.

Connie Sardo: You would need to stop at the Assessor's office about that.

Christine Kick: I have already done that twice.

Mr. Astorino: Leave your name and address with us this evening. We will make sure that you get notified.

Zen Wojcik: Mr. Chairman, we could ask the applicant to update their list.

Mr. Astorino: Yes.

Christine Kick: I physically went around and contacted half the people here when you first sent out the notices.

Mr. Astorino: We have a protocol legally binding that the applicant does a tracing within 300 feet. If it were in an Ag District, it would be done within 500 feet. Leave your name and address. We will make sure you are notified. The applicant will also update their adjoining property owner's list.

Christine Kick: Ok.

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

Mr. Shirazi: I am part owner of this property. I want the public to know that we did not come yesterday before the Board. We have been before the Board 4 years now. We have done many tests and studies. We sent people to see if there was any uranium on this property. They did not find any. Let us say for discussion sake, that there was uranium on the property and it was very bad. Let us say that we just abandon this project and say the heck with it. Are you people going to go out there and clean it up?

Mr. Astorino: That is a question that you could have with the residents at any given time. I am not going to get into that tonight.

Mr. Shirazi: I just want to bring up some points. This property is 100 acres. Let us assume another builder came along and put many more houses on it. What would Warwick look like? It is a piece of property where 75% of it would be left as green space.

Mr. Astorino: Again, that goes back to the Conservation Density subdivision.

Mr. Shirazi: Exactly. Take a look at the whole picture. Let us assume that we dig a well and it has uranium in it. What happens? We treat it. Has there ever been a time when you dug a well and was unable to treat it? The answer was no. There are going to be 7 houses built there. There will be 7 wells drilled. If there were an issue, it would be solved.

Mr. Astorino: As a Board, we want to see before we give any approvals, what is there, how it would be treated, and if there is anything there. Mr. Singer had pointed out earlier this evening that we would have notes on the plans for the other 6 lots.

Mr. Shirazi: As far as the NY/NJ Trail Conference, I have been working with them for many years. I have walked trails with them. I have never ever seen any of their members walk out of the woods without garbage. They always pick up garbage and put it in a box. They all do that. As far as a regular person, there are some that are land lovers. There are people that care. I feel most people care. I have a project in Monroe in which I am working with them. I have an offer contract by Verizon that would give me \$35,000.00 a year just to put up a tower there. The answer was no. One time, I found a carcass of a dead bear on my property. I put up a \$10,000.00 reward for the person who would give me information as to who did this. You could check this out with the State Police in Harriman. There are people that care about green space. Thank you.

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

Mr. Showalter: I don't know the applicant from boo. But, I believe the applicant does care. He has shown everyone in this room tonight that in donating part of this property to the Trail Conference for the trail, he is trying to merge his right to do what he wants to do with his property, meaning developing by selling some of his pieces for homes, and preserving the open space and letting people enjoy that trail. The neighbors could believe that the applicant is trying to do the right thing. He is demonstrating an ability to do what is right for his community. Take that in mind, that the applicant does own that property. He does have the right within the limits of the Town Code to do what he wishes with his property.

Mr. Astorino: Is there anyone else wishing to address the Cascade Road application? Let the record show no further public comment. We will need to adjourn the Cascade Road public hearing without date.

**Mr. McConnell makes a motion to adjourn the Cardiac Care Systems, Inc. / Cascade Road Subdivision Public Hearing without date.**

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

Mr. Astorino: To the residents, this public hearing has been adjourned without date. Once a public hearing is rescheduled, you will be re-noticed.

**PUBLIC HEARING OF International Business Machines Corporation**

Application for Site Plan Approval for the construction and use of modification of an existing wireless telecommunications facility, entitled, *Sprint Nextel Corp. #2* situated on tax parcel S 85 B 1 L 1.1 ; project located on the western side of Long Meadow Road (299 Long Meadow Road) at the IBM facility, in the LC zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Doug Warden, Esq. from Snyder & Snyder.

Connie Sardo: Mr. Chairman, we have just received the certified mailings for the Sprint/Nextel #2 public hearing.

Mr. Astorino: Thank you.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. Correct the typographical error in date at the bottom of page 3 in Pinnacle Telecom Group's *Antenna Site FCC RF Compliance Assessment and Report*.
4. Provide a report showing that the proposed installation will comply with the Town's performance standard for noise (§164-78C.)
5. Place the following note on the plan:  
"Reports including the following information are required to be submitted to the Town of Warwick Building Inspector within 90 days of the facility described herein becoming operational, and annually thereafter:
  - Measurement of RFR from the facility,
  - Measurement of noise from the facility (signed by an acoustical engineer attesting to the accuracy of the measurement and comparing them to the Town's performance standard (§164-78C.))The facility shall be structurally inspected annually and certified by a professional engineer. A report shall be submitted to the Town of Warwick Building Inspector."
6. Referring to the Structural Report by Paul Beck Associates, P.A., provide calculations for the antenna mounts for this installation to comply with Revision "G" of the Telecommunications Industry Association's standards, ANSI/TIA-222-G-2005.
7. Provide signed and sealed calculations to support the application statement that the proposed installation works.
8. Details 3 and 4, sheet Z5, reference conflicting information about antenna mounts and attachment surfaces. Clarify.
9. Pay outstanding review fees.

The following comment submitted by the Conservation Board:

Sprint/Nextel #2 (IBM) – None submitted.

The following comment submitted by the ARB:

Sprint/Nextel #2 (IBM) – None submitted.

Comment #1: Board to discuss SEQR.

Mr. Fink: The Planning Board has declared itself Lead Agency. It is an Unlisted Action. We have been using the short EAF. According to the information that has been provided by the applicant, all of the supporting information under SEQR, the proposed antennas that would be going on the existing building the visibility of the antennas would be minimus. The review comments tonight are of a technical nature. They are not SEQR issues. I have prepared a Draft Negative Declaration for the Board.

Comment #2: Applicant to discuss project.

Mr. Astorino: I think Ted has covered everything.

Doug Warden: I have nothing to add to that.

Comment #3: Correct the typographical error in date at the bottom of page 3 in Pinnacle Telecom Group's *Antenna Site FCC RF Compliance Assessment and Report*.

Doug Warden: We agree to that.

Comment #4: Provide a report showing that the proposed installation will comply with the Town's performance standard for noise (§164-78C.).

Doug Warden: That has been done.

Comment #5: Place the following note on the plan:

"Reports including the following information are required to be submitted to the Town of Warwick Building Inspector within 90 days of the facility described herein becoming operational, and annually thereafter:

- Measurement of RFR from the facility,
- Measurement of noise from the facility (signed by an acoustical engineer attesting to the accuracy of the measurement and comparing them to the Town's performance standard (§164-78C.))

The facility shall be structurally inspected annually and certified by a professional engineer. A report shall be submitted to the Town of Warwick Building Inspector."

Doug Warden: Yes.

Comment #6: Referring to the Structural Report by Paul Beck Associates, P.A., provide calculations for the antenna mounts for this installation to comply with Revision "G" of the Telecommunications Industry Association's standards, ANSI/TIA-222-G-2005.

Doug Warden: It has been submitted.

Comment #7: Provide signed and sealed calculations to support the application statement that the proposed installation works.

Doug Warden: Yes.

Comment #8: Details 3 and 4, sheet Z5, reference conflicting information about antenna mounts and attachment surfaces. Clarify.

Doug Warden: It has been clarified. We will put note on plan.

Comment #9: Pay outstanding review fees.

Doug Warden: Yes.

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

Mr. McConnell: Ted, you mentioned that the visibility of this was minimus. Was that measured from the property line? My recollection of this is that you can't see this if you are off the property.

Mr. Fink: The building itself 82-1/2 feet high. There are already existing antennas on the building. They are proposing antennas on the penthouse area. I believe it was only a couple of feet. You would have to be right on top of the building in order to see these antennas.

Mr. McConnell: Ok. Thank you.

Doug Warden: They would all be flushed below the top of the existing penthouse. They would not stick up.

Mr. McConnell: Thank you.

Mr. Kowal: What does RFR stand for?

Doug Warden: I think they are talking about Radio Frequency Emissions. I think it should be RFE.

Mr. Kowal: Ok. That was what I thought.

Mr. McConnell: Zen, is that right?

Zen Wojcik: It is in the Code as RFR.

Mr. Astorino: If it is the Code, we will leave it as it is. Do any Board Members or Professionals have any other comments? This is a public hearing. If there is anyone in the audience wishing to address the Sprint/Nextel #2 (IBM) application, please rise and state your name for the record. Let the record show no public comment.

Mr. Kowal makes a motion for the Negative Declaration.

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

617.12(b)

**State Environmental Quality Review (SEQR)**

## Resolution Authorizing Filing of Negative Declaration

**Name of Action:** Sprint Nextel Wireless Facility Modification

**Whereas**, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed Wireless Facility Modification at the IBM Facility in Sterling Forest, Town of Warwick, Orange County, New York, and

**Whereas**, there are no other involved agencies pursuant to SEQR, and

**Whereas**, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 10/14/08, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

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

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

Mr. McConnell makes a motion to close the Public Hearing.

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

Mr. Kowal makes a motion on the International Business Machines Corporation application, granting Site Plan Approval for the construction and use of modification of an existing wireless telecommunications facility, entitled, *Sprint-Nextel Corp. #2*, situated on tax parcel S 85 B 1 L 1.1; project located on the western side of Long Meadow Road (299 Long Meadow Road) at the IBM facility, in the LC zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on December 3, 2008. Approval is granted subject to the following conditions:

1. Correct the typographical error in date at the bottom of page 3 in Pinnacle Telecom Group's *Antenna Site FCC RF Compliance Assessment and Report*.
2. Provide a report showing that the proposed installation will comply with the Town's performance standard for noise (§164-78C.)
3. Place the following note on the plan:  
"Reports including the following information are required to be submitted to the Town of Warwick Building Inspector within 90 days of the facility described herein becoming operational, and annually thereafter:
  - Measurement of RFR from the facility,

- Measurement of noise from the facility (signed by an acoustical engineer attesting to the accuracy of the measurement and comparing them to the Town's performance standard (§164-78C.))

The facility shall be structurally inspected annually and certified by a professional engineer. A report shall be submitted to the Town of Warwick Building Inspector.”

4. Referring to the Structural Report by Paul Beck Associates, P.A., provide calculations for the antenna mounts for this installation to comply with Revision “G” of the Telecommunications Industry Association’s standards, ANSI/TIA-222-G-2005.
5. Provide signed and sealed calculations to support the application statement that the proposed installation works.
6. Details 3 and 4, sheet Z5, reference conflicting information about antenna mounts and attachment surfaces to the Town Engineer’s specifications.
7. Pay Outstanding Review Fees.

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

Doug Warden: Thank you.

**Review of Submitted Maps:*****Ray Carlisle***

Application for Site Plan Approval and Special Use Permit for the construction and use of a dog training facility, situated on tax parcels S 63 B 1 L 8.21 and L 8.22; project located on the western side of County Route 21 1500 feet north of Bowen Road, in the MT zone, of the Town of Warwick. Previously discussed at the 5/16/07 and 9/19/07 Planning Board meetings. ZBA granted variances on 9/22/08.

Representing the applicant: James Ramos from Kirk Rother Engineering. Ray Carlisle, Applicant.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
  - A. Provide details for screening landscaping (existing & proposed) within the 300' buffer along Warwick Turnpike and between proposed "grass parking" and the neighboring residence.
  - B. Note the proposed hours of operation for the Dog Training Facility on the plan. Clarify if this use will be seasonal or year-round. Applicant to discuss if any events (dog shows, competitions, etc.) are contemplated for this parcel.
  - C. Note on the plan the proposed method for managing animal waste at the facility.
2. Applicant to discuss project.
3. The applicant has received a variance from the ZBA. Provide the full text of the variance on the plan.
4. Correct the Lot numbers in the Adjoiner's Map per the current Orange County Tax Map for the Town of Warwick:
  - Carlisle lots are misidentified.
  - Mastrantoni lots are 9.2 (adjacent to Carlisle) and 9.1.
  - Warwick Conference Center is lot 10.22.
5. Place details on the plans for all existing and proposed fencing which is part of the proposed use of the parcel. All linetypes used for different fences shall be included in the Legend.
6. The Parking Calculations show 18 parking spaces available for the Dog Training Facility (3 at the kennel + 15 "grass parking" spaces). Applicant to discuss. Provide justification for the number of parking spaces. Provide a detail for the "grass parking".
7. The driveway serving the residence and kennel is macadam surfaced. The driveway leading to the proposed Dog Training Field is gravel. Board to discuss.
8. Indicate that actual sight distance equals or exceeds minimum sight distance. Include a note that the area of the sight triangles shall be kept free from visual obstructions.
9. Show locations of existing and proposed outdoor lighting. Provide an isofotocandle chart for each regulated lighting unit (ref. §164-43.4). Place a Lighting Note on the plans: "All outdoor lights shall be designed, located, installed, and directed in such manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property. The prohibitions and requirements listed in Sections 164-43.4 and -47.1F(5) of the Town Code shall apply to all proposed and existing outdoor lighting fixtures."

10. Provide a detail for any signs proposed for the site, showing conformance with §164-43.1. Note on the detail that a permit is required from the Building Department before a sign can be installed.

**BEFORE FINAL APPROVAL:**

11. Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes.
12. Applicant to provide 9-1-1 addressing.
13. Pay a 3-year term landscape bond and inspection fee for screening plantings.
14. Pay outstanding review fees.

The following comment submitted by the Conservation Board:

Ray Carlisle – None submitted.

The following comment submitted by the ARB:

Ray Carlisle – None submitted.

Comment #1: Board to discuss SEQR.

Mr. Fink: As far as SEQR is concerned, I am not aware of any action by the Planning Board that has been taken so far. I was unable to locate any Resolution or anything like that in my file. Zen and I trying to see if there was a Lead Agency done.

Mr. Astorino: I thought that was done.

Mr. Fink: It might not have been done because they had to go to the ZBA.

Connie Sardo: The Planning Board had not done Lead Agency because the applicant had to go to the ZBA.

Mr. Fink: We do have SEQR questions. I don't think there are any questions that the Planning Board would act as Lead Agency on this application. The applicant has provided us with a short EAF. I think the County is the only other agency involved.

Zen Wojcik: Mr. Chairman, we did receive comments today from OCDPW.

Mr. Astorino: Ok. We still have to do Lead Agency.

Mr. Fink: Yes. The Planning Board could go ahead and declare Lead Agency.

Mr. Showalter makes a motion for Lead Agency.

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

617.6

**State Environmental Quality Review (SEQR)**  
Resolution Establishing Lead Agency

## Unlisted Action Undergoing Uncoordinated Review

Name of Action: Carlisle Dog Training Facility

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan/Special Use Permit application by Raymond and Myrna Carlisle for a ± 18.091 acre parcel of land located at Warwick Turnpike, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 4/25/07 was submitted at the time of application, and

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

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

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

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

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

- A. Provide details for screening landscaping (existing & proposed) within the 300' buffer along Warwick Turnpike and between proposed "grass parking" and the neighboring residence.

James Ramos: Ok. On Warwick Turnpike, you are looking for screening.

Mr. Astorino: What is there existing or proposed?

James Ramos: Across the street, I am sure that you are aware that there is a 40-foot cliff on that property adjoiner. They actually look over top of this. As far as the other screening, Mr. Carlisle about 1-1/2 years ago has planted trees along the adjoiner's property, which is Mr. Carras property. He has substantial trees.

Mr. Astorino: Do you have them shown on the plans?

James Ramos: No. We will do that.

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

James Ramos: Ok.

- B. Note the proposed hours of operation for the Dog Training Facility on the plan. Clarify if this use will be seasonal or year-round. Applicant to discuss if any events (dog shows, competitions, etc.) are contemplated for this parcel.

James Ramos: We will show the hours on the plans. As far as the events, I believe there would probably be 1 or possibly 2 events per year.

Mr. McConnell: How much parking is provided for here?

James Ramos: We are showing 15 spaces.

Mr. McConnell: How many people would be participating in one of the events?

James Ramos: I was informed that it would be anywhere from 10 to 15 cars should hold the amount of people that would come to an event.

Mr. McConnell: I have some familiarity with other types of dog events. 10 or 15 cars would not be sufficient. I am just questioning whether 10 or 15 cars would be appropriate for the type of events that you are considering.

Ray Carlisle: What we have done so far, it has been more than sufficient. You as a dog person, you know the need for shade. What we do is basically have the cars drive on the larger part of the property where they could get the shade from the trees. These 15 spots that are designated on the map are in excess. We put all of the dogs under the trees if possible.

Mr. McConnell: The parking that you are showing on the plan, you planted trees to provide shade for those parking spots.

Ray Carlisle: I misstated that. The driveways that come into these spots are along the driveway. There are trees there. I meant to indicate that as the sun moves and as the cars need to be relocated, we never had any problem that those 15 spots that were designated, we would have significantly more area where people could go under the trees and park.

Mr. McConnell: What you are saying is that the number 15 is adequate, but they won't be necessarily parking in the spots indicated on the site plan. They might be parking elsewhere on the property where they could find shade for the events.

Ray Carlisle: Yes.

Mr. McConnell: Would it only be for the events so that on a day in and day out basis they would be parking... I am just wondering if there is any point in putting in the parking spaces if people are not going to be parking on them.

James Ramos: On the daily events, they are by appointment only. Generally, there would only be one person that would come. It is shown on the plan that there are 3 spots next to the caretaker's facility. There is one for the caretaker, one for the client, and possibly if there is an overlap, there would be another spot for that client.

Mr. McConnell: That would be for one-on-one lessons.

James Ramos: Right.

Ray Carlisle: That is what this is all about.

Mr. McConnell: I am trying to relate this to the dog events that I participate in. Often it would be the cases of obedience training that you might have a class. There might be 10 or 15 people in a class. I don't suggest that I know the training that intimately you are doing, but would it ever be the case that you would have a group class?

Ray Carlisle: Yes. We would like to.

Mr. McConnell: How frequently and how many people?

Ray Carlisle: What we do have now and what we hope to be able to do with your approval, we have appointments for people coming there and we have a training field. The people have appointments and they come either one or two. They would have their dogs and train their dogs for about 1/2-hour to 45 minutes. Then they would leave. We would be doing that. The events that we would have would be in that same location on that center field. Unless I am missing something, I don't see where parking would be an issue.

Zen Wojcik: Part of the point of this comment, we don't have our attorney here tonight, if there are events that they would be planning, this is a special use permit that is being asked for. I don't know if some modifications would have to be made in order to permit events on this site.

Mr. Astorino: Right. How many events per year would it be? We would have to check on that.

James Ramos: It is supposed to be 1 or 2 events per year.

Mr. Astorino: That is something we would have to check on. That might be permitted in our code. I don't know.

C. Note on the plan the proposed method for managing animal waste at the facility.

James Ramos: We will add note.

Ray Carlisle: We bought a special garbage can for that. We made a deal with Waste Management for that purpose.

Mr. Astorino: Ok.

Comment #2: Applicant to discuss project.

Mr. Astorino: You have explained that.

Comment #3: The applicant has received a variance from the ZBA. Provide the full text of the variance on the plan.

James Ramos: Will do.

Comment #4: Correct the Lot numbers in the Adjoiner's Map per the current Orange County Tax Map for the Town of Warwick:

- Carlisle lots are misidentified.
- Mastrantoni lots are 9.2 (adjacent to Carlisle) and 9.1.
- Warwick Conference Center is lot 10.22.

James Ramos: Ok.

Comment #5: Place details on the plans for all existing and proposed fencing which is part of the proposed use of the parcel. All linetypes used for different fences shall be included in the Legend.

James Ramos: Ok.

Comment #6: The Parking Calculations show 18 parking spaces available for the Dog Training Facility (3 at the kennel + 15 "grass parking" spaces). Applicant to discuss. Provide justification for the number of parking spaces. Provide a detail for the "grass parking".

Mr. Astorino: We went through that. If these spots are going to be floating...

Zen Wojcik: Our code provides for a certain specific types of activities a specific number of spaces that you need to have. This would be one of the ones where the Board should determine whether this is a sufficient number of spaces. We don't have a yard stick to measure this against. That is why the comment states provide justification for the number of parking spaces. We need to have a notation on this. We would also need a detail for grass parking.

James Ramos: Ok.

Comment #7: The driveway serving the residence and kennel is macadam surfaced. The driveway leading to the proposed Dog Training Field is gravel. Board to discuss.

Mr. Astorino: Zen, where were you going with this?

Zen Wojcik: The Board having a gravel driveway generally doesn't usually go for that. Today we received comments from OCDPW. All of these comments have to do with their entrance coming out to the County Road. In the past, when we receive comments from OCDPW, we would accept them as comments from the Board. We want the applicant to respond to them in the same way. We would like the Board to say that for these comments as well.

Mr. Astorino: Ok. Do any Board members have any concerns about the gravel going into the field? It wouldn't make sense to put macadam there.

Zen Wojcik: They would be paving the first 50 feet.

Mr. Astorino: Exactly. The rest would be gravel. Is everyone on the same page with that?

Mr. Singer: I don't have any problem with that.

Mr. Showalter: Ray, is the driveway paved now?

Ray Carlisle: Yes.

Mr. Showalter: Where it meets the road, it is paved. Going down to your residence, it is paved. What they are talking about is the straight stretch next to Steve Carras property.

Ray Carlisle: Yes. It is the gravel path that we used to go down to the training area.

Mr. Astorino: We would leave it as gravel. That would make sense.

Comment #8: Indicate that actual sight distance equals or exceeds minimum sight distance. Include a note that the area of the sight triangles shall be kept free from visual obstructions.

James Ramos: Ok.

Comment #9: Show locations of existing and proposed outdoor lighting. Provide an isofotocandle chart for each regulated lighting unit (ref. §164-43.4). Place a Lighting Note on the plans: "All outdoor lights shall be designed, located, installed, and directed in such manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property. The prohibitions and requirements listed in Sections 164-43.4 and -47.1F(5) of the Town Code shall apply to all proposed and existing outdoor lighting fixtures."

James Ramos: Ok.

Comment #10: Provide a detail for any signs proposed for the site, showing conformance with §164-43.1. Note on the detail that a permit is required from the Building Department before a sign can be installed.

James Ramos: Ok.

**BEFORE FINAL APPROVAL:**

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

James Ramos: Ok.

Comment #12: Applicant to provide 9-1-1 addressing.

James Ramos: Ok.

Comment #13: Pay a 3-year term landscape bond and inspection fee for screening plantings.

James Ramos: Ok.

Comment #14: Pay outstanding review fees.

James Ramos: Ok.

Mr. Singer: In reference to the bond for planting, would you say that all the plantings have been done already?

James Ramos: Substantial planting has been done.

Mr. Astorino: They have to show it yet.

James Ramos: We will see if that is sufficient.

Mr. McConnell: I have a question for our Engineer. Zen, on the existing gravel driveway, are there standards for that driveway that needs to be met? My thought is with a dog training field back here, if something should happen, you are going to have people, and animals back there. There is always the possibility of needing to get an ambulance or some other emergency vehicle there.

Mr. Astorino: Zen, maybe you could have some standard of item.

Zen Wojcik: We have had gravel in the past. It has been 3" to 4" of gravel.

Mr. McConnell: Ok.

Mr. Astorino: We will put on the plans a minimal typical detail for the gravel driveway.

Zen Wojcik: Ok.

Mr. McConnell: There is another thing that we need to discuss with our attorney. I understand the applicant has an option on the Carras property, which was one of the reasons why the ZBA gave the variance as they did. I see that Mr. Carras is here tonight. I am concerned about one of the conditions of getting the approval for running this facility is by owning that piece of property or having it under control like what you are going to do on the

other side. We need to speak to our attorney about if that situation changes in any significant or material way, that permit for this facility would need to be reviewed.

Mr. Astorino: That would be something to bring up to John when he gets back.

Mr. McConnell: Yes.

Mr. Astorino: I agree with you. Unless there is a copy of a binding agreement between the parties once approval is granted... It would be something to that effect.

Mr. McConnell: Also something would need to be recorded on the deed of that property as to the use. That would be something that we would need to work out the details with our attorney.

Mr. Astorino: Ok. That would be something that would have to be worked out. Do any Board members have any problems with setting this for a public hearing?

Mr. McConnell: Mr. Carras, if you would like to submit a suggestion for such legal language, you could do that.

Steven Carras: It was my recollection that the ZBA conditioned their approval on a contract to purchase my property and a lease back by the contract purchaser to Mr. Carlisle.

Mr. Astorino: I don't know if that was ever submitted to this Board. Maybe you would like to submit that to the Planning Board so that our attorney could review it.

Steven Carras: Ok. That was my recollection from the ZBA.

Mr. Astorino: If the ZBA received that, we don't have it.

Mr. McConnell: Maybe in the variance it gives references for that. We have never seen it.

Mr. Astorino: Get that copy to the Planning Board.

Steven Carras: The ZBA was typically concerned should either the lease back or the contract not be concluded, that their approval would not be affected.

Mr. Showalter: Steve, has he bought the property from you yet?

Steven Carras: No. There is a contract. There is a signed contract contingent upon final approval by the Planning Board.

Mr. Showalter: Ok.

Mr. Astorino: Just for the record, this is not a public hearing. I don't want this to get out of hand. We will make the point to John about this.

Zen Wojcik: We have the ZBA variance here. There were 4 conditions. The ZBA conditions were as follow: 1) The applicant purchase the Carras parcel (63-1-11.11) and continued to retain Lot 63-1-8.22 (or merge with Lot 63-1-8.21). 2) The applicant enter into a lease for the Korwan parcel (63-1-9). 3) This variance will not take effect until the Carras

property is purchased and the Korwan property leased, and 4) Although the Zoning Board has granted a variance for the premises to the east of the kennel, this is not construed as in any way inhibiting the Planning Board from requiring any buffering on that or any part of the parcel.

Mr. Astorino: Get us the information. Our attorney will review it.

**Mr. McConnell makes a motion to set the Ray Carlisle application for a Public Hearing at the next available agenda.**

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

James Ramos: Thank you.

Ray Carlisle: Thank you.

***(Mary Staikos, AIA) Kohlmeier Residence***

Application for Site Plan Approval for the construction and use of an Addition/Renovations to an existing single-family dwelling and a dock, entitled, "***Kohlmeier Residence***", located within "A Designated Protection Area" of Greenwood Lake, situated on tax parcel S 75 B 1 L 12.21; project located on the southeastern side of Lakeshore Road 2000 feet northeast of intersection Route 210 (98 Lakeshore Road), in the SM zone, of the Town of Warwick. Previously discussed at the 8/6/08 Planning Board meeting.

Representing the applicant: Mary Staikos, Architect. Eric Kohlmeier, Applicant.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. Plan shows a 3-bedroom house. Town records indicate that the existing dwelling is 2-bedrooms. The applicant has provided a design for a refurbished septic system that is sufficient for the proposed number of bedrooms, signed & sealed by a NYSPE.
4. Considering the location of the refurbished septic system within the Designated Protection Area of Greenwood Lake, install an aerobic treatment unit in the refurbished septic system meeting the requirements of a NSF Standard 40 Class I unit, per NYSDOH requirements. Provide details on the plans. Note on the plans that an annual maintenance contract is required and that an updated copy of the contract shall be provided to the Town's Building Inspector.
5. Note on the septic plan that the work shown on the plan shall be performed under the supervision of a NYS licensed professional engineer, who will provide certification to the Town Building Inspector that the system was built in accordance with the plans. Certification shall include separate certifications that the imported material used for the absorption bed and surrounding soil has been tested on-site and has proved to have the design percolation rate, according to the plans.
6. Site Plan and Details for the Refurbished S.T.S. shall be incorporated into the plans submitted for the Board's consideration.
7. Remove cars from "Main Level" view.
8. The applicant has obtained variances from the ZBA. Include the full text of the ZBA's determination on the plans. Note the setbacks as permitted by the variances.
9. Provide a detailed design of the proposed docks and their supports. Forward copies of the permit application and correspondence with NYSDEC to the Planning Board.
10. Sketch Plans showing walls to be removed and built were submitted. This information should be incorporated into the Site Plan and resubmitted. It is not clear if the wall adjacent to the refurbished septic system is new, existing, or somehow modified. Indicate all walls which will be removed and the limits of removal ("As Shown" does not indicate any limits), walls to be constructed (include proposed top and bottom elevations of wall), and existing walls to remain. Place a schematic wall detail on the plans. Note that a design, signed and sealed by a NYS professional engineer, shall be submitted for all proposed walls over 4 feet in height for the Town Engineer's review and approval before a Building Permit is issued.
11. Pay outstanding review fees.

The following comment submitted by the Conservation Board:

Kohlmeier Residence – None submitted.

The following comment submitted by the ARB:

Kohlmeier Residence – None submitted.

Comment #1: Board to discuss SEQR.

Mr. Fink: The Planning Board declared itself Lead Agency back in August 2008. We are reviewing this application using the short EAF. There are several comments in the review comments tonight that relate to SEQR.

Comment #2: Applicant to discuss project.

Mary Staikos: The project has not changed since the last meeting. We propose a 3-bedroom house. There are 2-bedrooms existing. We went to the ZBA and received variances for the project. The thing that is holding us up right now is the analysis of the existing septic system on whether it could support a 3-Bedroom house or if we need to refurbish it. Drawings have been submitted to Zen for the refurbishing. The Town has determined that they prefer to see an aerobic system. Our Engineer, Jeff Bass is in the process of completing the design for the aerobic system so that we would be in compliance with that.

Mr. Astorino: Good.

Comment #3: Plan shows a 3-bedroom house. Town records indicate that the existing dwelling is 2-bedrooms. The applicant has provided a design for a refurbished septic system that is sufficient for the proposed number of bedrooms, signed & sealed by a NYSPE.

Mr. Astorino: You have explained that.

Comment #4: Considering the location of the refurbished septic system within the Designated Protection Area of Greenwood Lake, install an aerobic treatment unit in the refurbished septic system meeting the requirements of a NSF Standard 40 Class I unit, per NYSDOH requirements. Provide details on the plans. Note on the plans that an annual maintenance contract is required and that an updated copy of the contract shall be provided to the Town's Building Inspector.

Mary Staikos: Yes.

Comment #5: Note on the septic plan that the work shown on the plan shall be performed under the supervision of a NYS licensed professional engineer, who will provide certification to the Town Building Inspector that the system was built in accordance with the plans. Certification shall include separate certifications that the imported material used for the absorption bed and surrounding soil has been tested on-site and has proved to have the design percolation rate, according to the plans.

Mary Staikos: Yes.

Zen Wojcik: Every septic system that is approved by the Town, we have required to have a certification from a licensed professional engineer. This particular system that they designed imports materials to go into the absorption bed. It has to have a certain perc rating. That is why we are asking for that.

Mr. Astorino: That makes sense.

Comment #6: Site Plan and Details for the Refurbished S.T.S. shall be incorporated into the plans submitted for the Board's consideration.

Mary Staikos: Yes. That will be done.

Comment #7: Remove cars from "Main Level" view.

Mary Staikos: That has been done.

Comment #8: The applicant has obtained variances from the ZBA. Include the full text of the ZBA's determination on the plans. Note the setbacks as permitted by the variances.

Mary Staikos: Yes.

Comment #9: Provide a detailed design of the proposed docks and their supports. Forward copies of the permit application and correspondence with NYSDEC to the Planning Board.

Mary Staikos: Yes.

Comment #10: Sketch Plans showing walls to be removed and built were submitted. This information should be incorporated into the Site Plan and resubmitted. It is not clear if the wall adjacent to the refurbished septic system is new, existing, or somehow modified. Indicate all walls which will be removed and the limits of removal ("As Shown" does not indicate any limits), walls to be constructed (include proposed top and bottom elevations of wall), and existing walls to remain. Place a schematic wall detail on the plans. Note that a design, signed and sealed by a NYS professional engineer, shall be submitted for all proposed walls over 4 feet in height for the Town Engineer's review and approval before a Building Permit is issued.

Mary Staikos: Yes.

Comment #11: Pay outstanding review fees.

Mary Staikos: Yes.

Mr. Astorino: Zen, do we need more information? Could we set this for a public hearing?

Zen Wojcik: You could set it for a public hearing.

**Mr. McConnell makes a motion to set the Kohlmeier Residence for a public hearing at the next available agenda.**

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

Mary Staikos: When would the next available agenda be?

Mr. Astorino: It would be once you get all of your information in and we review it. By setting you for a public hearings saves from having another meeting.

Mary Staikos: Ok. Thank you.

**Verizon #2 / Gary Randall**

Application for Site Plan Approval for the construction and use to operate antennas on an existing camouflaged monopole wireless telecommunications tower, along with an adjacent accessory equipment shelter and appurtenant cabling and equipment, situated on tax parcel S 19 B 1 L 47.21; project located on the southwestern side of Route 94 900 feet set back from Route 94 (Gary Randall property), in the MT zone, of the Town of Warwick.

Representing the applicant: Clifford Rohde, Esq. Attorney from Cooper Erving & Savage, LLP. Paul Fanos, Project Manager from Infinigy.

The following review comments submitted by Tectonic:

1. Board to discuss SEQR.
2. Applicant to discuss project.
3. Provide the declaration and the recording information on the plan for Ridgeline Overlay Notes and Agricultural Notes.
4. On the Abutter's Map (drawing Z1) correct the spelling of Minturn Rd. and locate Clear View Ln.(between Abutters 14 and 15), Ridgeway Loop (at Abutters 21 through 26), and Morgan Ln. (off Ridgeway Loop).
5. Show the extent of any concrete pad or graveled area associated with the proposed equipment shelter.
6. Show the proposed limit of disturbance on the Erosion Control Plan (drawing Z4) and note the area in the notes on that drawing and drawing Z3. Show the location of any proposed landscaping, noting the species and size of any plantings.
7. Show and note how the embankment slope shall be stabilized (RECP, topsoil & seed, proposed seed mix, relocated trees, etc.)
8. On the Shelter Detail sheet (drawing Z7), refer to the Ridgeline Overlay Notes on drawing Z2, especially Note 3. Provide color samples of the siding and roof.
9. Place the following note on the plan:  
"Reports including the following information are required to be submitted to the Town of Warwick Building Inspector within 90 days of the facility described herein becoming operational, and annually thereafter:
  - Measurement of RFR from the facility,
  - Measurement of noise from the facility (signed by an acoustical engineer attesting to the accuracy of the measurement and comparing them to the Town's performance standard (§164-78C.))The facility shall be structurally inspected annually and certified by a professional engineer. A report shall be submitted to the Town of Warwick Building Inspector."
10. Provide calculations for the antenna mounts for this installation to comply with Revision "G" of the Telecommunications Industry Association's standards, ANSI/TIA-222-G-2005.
11. Provide certification that the ground mounted equipment proposed for the site will not generate noise in excess of 50dB at the property line and that the total noise generated by all equipment at the site will not exceed 50dB at the property line.
12. Update Emergency Management Service Plan for new tenant.

The following comment submitted by the Conservation Board:

Verizon #2 / Gary Randall – None submitted.

The following comment submitted by the ARB:

Verizon #2 / Gary Randall – None submitted.

Comment #1: Board to discuss SEQR.

Mr. Fink: The applicant has provided 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 5-Ayes.

617.6

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

Name of Action: T-Mobile/Omnipoint Wireless Facility Modification

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan application by Verizon Wireless for a  $\pm$  0.06 acre parcel of land located at the T-Mobile/Omnipoint Wireless Telecommunications Facility on Route 94, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 10/31/08 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 filed, forwarded to the owners of farm operations within 500 feet of the site, and considered by the Planning Board, and

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

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

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

Comment #2: Applicant to discuss project.

Cliff Rohde: It is a routine collocation on an existing monopine tower, which is located on Gary Randall's property. It is owned by Omnipoint/T-Mobile. Currently there is only one carrier which is T-Mobile/Omnipoint which is on the monopole right now. It is 100-foot monopine tower. We would put the antennas up at the 87-foot level. We also have a equipment shelter. It is a 12x30 foot pre-fabricated shelter. It sits on top of a concrete pad with the necessary cabling that runs down from the antennas to the shelter. The cables are not visible. They go down the center of the trees. This type of facility is square on with the requirements and the desires with the limit of number of towers and tall structures that are out there. Verizon Wireless always looks for opportunities to not have to build a new tower if possible. In this case, Verizon Wireless has identified a significant gap in coverage in the Town. It needs to fill that gap.

Mr. Singer: Isn't a 12'x30' structure quite large?

Cliff Rohde: No.

Mr. Singer: How tall is it?

Cliff Rohde: It is about 10 feet tall.

Mr. Showalter: Carl, it is pre-fabricated. They truck it in.

Mr. Singer: Could it be seen from the road?

Mr. Astorino: No.

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

Cliff Rohde: We thought that we had accomplished that.

Zen Wojcik: We usually keep the comment as a place keeper because it follows afterwards that something has to be filed. We want to make sure before the plans are signed that the filing has occurred.

Cliff Rohde: Ok.

Comment #4: On the Abutter's Map (drawing Z1) correct the spelling of Minturn Rd. and locate Clear View Ln.(between Abutters 14 and 15), Ridgeway Loop (at Abutters 21 through 26), and Morgan Ln. (off Ridgeway Loop).

Cliff Rohde: No problem.

Comment #5: Show the extent of any concrete pad or graveled area associated with the proposed equipment shelter.

Cliff Rohde: We do show that. There is none to show.

Zen Wojcik: No. You have a structure going there. There is an unspecified dash line. I don't know if you are having a concrete pad that would be up there. I don't know if you would set this on gravel as a mobile structure type of situation. It just needs to be clarified.

Paul Fanos: The only concrete that would be available would be right underneath the shelter. Then, there would be a 4'x6' concrete stoop out in front.

Zen Wojcik: You need to show that on the plans.

Paul Fanos: You can't see it because it is contained underneath the shelter

Zen Wojcik: Put a note on the plans.

Paul Fanos: Ok. That is fine.

Comment #6: Show the proposed limit of disturbance on the Erosion Control Plan (drawing Z4) and note the area in the notes on that drawing and drawing Z3. Show the location of any proposed landscaping, noting the species and size of any plantings.

Cliff Rohde: Ok.

Comment #7: Show and note how the embankment slope shall be stabilized (RECP, topsoil & seed, proposed seed mix, relocated trees, etc.).

Cliff Rohde: Ok.

Comment #8: On the Shelter Detail sheet (drawing Z7), refer to the Ridgeline Overlay Notes on drawing Z2, especially Note 3. Provide color samples of the siding and roof.

Cliff Rohde: Ok. I have samples to show. If the Board would like to pick a particular color, you could do that. We don't use this company anymore. We could get siding colors that basically look like this.

Zen Wojcik: We have very specific part of our ordinance in the Ridgeline Overlay about reflectivity. We don't want to have a reflectivity in excess of 60%. Some of them might be too shiny.

Cliff Rohde: Ok.

Zen Wojcik: It would have to be generally earth tones and reflectivity less than 60%.

Cliff Rohde: That won't be a problem.

Comment #9: Place the following note on the plan:

“Reports including the following information are required to be submitted to the Town of Warwick Building Inspector within 90 days of the facility described herein becoming operational, and annually thereafter:

- Measurement of RFR from the facility,
- Measurement of noise from the facility (signed by an acoustical engineer attesting to the accuracy of the measurement and comparing them to the Town's performance standard (§164-78C.))

The facility shall be structurally inspected annually and certified by a professional engineer. A report shall be submitted to the Town of Warwick Building Inspector.”

Cliff Rohde: I need some clarification on that. I think §164-78C relates to either side mount or roof mount antennas. This one is a slightly different kind of structure.

Zen Wojcik: We would still have to have an acoustical report. The point is to provide one every year.

Cliff Rohde: Right.

Zen Wojcik: I don't know what they do with the antennas. I know that this Board had approved an application for this same site for Cellular One earlier this year.

Cliff Rohde: We know that it is an issue for the Town. I think that provision within the Code falls under those types of applications that requires a special use permit. We want to be a good neighbor here. T-Mobile has explained to me that it is a silent facility. The bands that it uses are internal to its shelter. You don't hear anything. The sound that we would have, Verizon Wireless is proud of the backup that it uses. It does make a little bit more of a sound. The batteries do not make sound. It is very contained in the shelter itself. We have provided some documentation to the Board. We don't think it would be a problem to make sure that sound level is met at the property.

Zen Wojcik: That is in comment #11 that I am trying to get specifics on. That is one of the points because you do have a generator shown on the plans. You have provided some information about the sound from the generator. You are at the level that we would get to a concern here in the Town. I don't know what that would be considering the installation. It is not clear with what you have provided us. Keep in mind, that it is a quiet Town.

Cliff Rohde: We know that. That is clearly stated in the Code. There are two pieces of equipment that generate sound. One is the H factor equipment and the other is the generator. The one that could create more sound is the generator. The generator is inside the building. It doesn't run very often. It does some self testing about once or twice a month where it runs for a little bit of time. The H factor equipment itself, does have some. It is on the walls. Part of it is outside. That part that is generating sound on the outside is pointing away from the property line.

Mr. Astorino: Test that and get us the results. That would solve that issue.

Comment #10: Provide calculations for the antenna mounts for this installation to comply with Revision "G" of the Telecommunications Industry Association's standards, ANSI/TIA-222-G-2005.

Cliff Rohde: Ok. Verizon Wireless builds things to code. The only problem that might arise here is if the New York Code which is an "F", which might require something...

Zen Wojcik: NYS doesn't require Revision "G" now. 6-months from now, we don't have any idea. It would probably head in that direction. It probably won't skip over Revision "G" to Revision "H". We just like to know that this meets the requirements of what we think would be the requirements in the near future.

Cliff Rohde: Right. I don't think it would be a problem.

Comment #11: Provide certification that the ground mounted equipment proposed for the site will not generate noise in excess of 50dB at the property line and that the total noise generated by all equipment at the site will not exceed 50dB at the property line.

Cliff Rohde: Ok.

Comment #12: Update Emergency Management Service Plan for new tenant.

Cliff Rohde: What is that?

Zen Wojcik: This tower has an Emergency Management Service Plan. It started out by only having one occupant on it. If something were to happen, the plan would state where the emergency services would have to call, or if they have to shut something down, or if someone is trespassing on the tower, etc... The locks would also have to be specified so that they could get in there if they needed to. Cellular One had to update it for their facility as well as Omnipoint. You are going to have a similar situation.

Cliff Rohde: Ok.

Mr. Astorino: Zen, could this be set for a public hearing.

Zen Wojcik: Yes.

**Mr. McConnell makes a motion to set the Verizon #2/Gary Randall application for a public hearing at the next available agenda.**

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

Cliff Rohde: Thank you.

**Other Considerations:**

1. Planning Board to discuss cancelling the 12/29/08 Work Session and the 1/7/09 Planning Board meeting due to the Christmas & New Year's Holidays.

Mr. McConnell makes a motion to cancel the 12/29/08 Work Session and the 1/7/09 Planning Board meeting.

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

2. **Mongelluzzo Subdivision** - Letter from Kirk Rother, dated 11/19/08 addressed to the Planning Board in regards to the Mongelluzzo Subdivision – requesting a 2<sup>nd</sup> 6-Month Extension on Preliminary Approval of a proposed 2-Lot cluster subdivision, SBL # 31-2-44.32. Preliminary Approval was granted on 11/21/07. *The applicant is currently in the process of securing NYSDEC stream-crossing permit approval.* The 2<sup>nd</sup> 6-Month Extension becomes effective on, 11/21/08.

Mr. McConnell makes a motion on the Mongelluzzo Subdivision, granting a 6-Month Extension on Preliminary Approval of a proposed 2-Lot Cluster Subdivision, SBL # 31-2-44.32.

Preliminary Approval was granted on, 11/21/07. The 2<sup>nd</sup> 6-Month Extension becomes effective on, 11/21/08.

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

3. **Planning Board Minutes of 11/5/08 & 11/19/08** – Planning Board Minutes of 11/5/08 & 11/19/08 for PB Approval at the 12/3/08 PB meeting. (On 11/24/08 @ 11:50 a.m. – I, secretary emailed minutes to PB & Professionals).

Mr. McConnell makes a motion to approve the 11/5/08 and 11/19/08 Planning Board minutes.

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

4. **Goldman-Rechtman Subdivision** – Letter from Lehman & Getz Engineering, dated 11/24/08 addressed to the Planning Board in regards to the Goldman-Rechtman Subdivision – requesting a 6-Month Extension on “Re-Approval” of Final Approval for a proposed 2-Lot subdivision. SBL # 19-1-24. Final Approval was granted on, 6/20/07. Re-Approval of Final Approval was granted on 6/18/08. *The applicants have had a difficult time acquiring a bond for the road improvements, and will need additional time to resolve the bonding issue.* The 6-Month Extension becomes effective on, 12/18/08.

Mr. McConnell makes a motion on the Goldman-Rechtman Subdivision, granting a 6-Month Extension on “Re-Approval” of Final Approval for a proposed 2-Lot subdivision, SBL # 19-1-24. Re-Approval of Final Approval was granted on 6/18/08, subject to the conditions of final approval granted on, 6/20/07. The 6-Month Extension becomes effective on, 12/18/08.

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

5. **Millers Ridge Subdivision** – Letter from Kirk Rother, dated 11/25/08 addressed to the Planning Board in regards to the Millers Ridge Subdivision – requesting a 2<sup>nd</sup> 6-Month Extension on preliminary approval of a proposed 16-Lot Cluster + 1-Affordable Residential Lot + 1-Commercial Lot subdivision and an application for special use permit for the 1-Affordable Home. SBL # 51-1-7.41 & 41. Preliminary Approval was granted on 12/5/07. *The applicant is still in the process of developing wells on the property as required by OCHD.* The 2<sup>nd</sup> 6-Month Extension becomes effective on, 12/5/08.

Mr. McConnell makes a motion on the Millers Ridge Subdivision, granting granted a 6-Month Extension on preliminary approval for a proposed 16-Lot Cluster + 1-Affordable Residential Lot + 1-Commercial Lot subdivision, SBL # 51-1-7.41 and 41. Preliminary Approval was granted on, 12/5/07. The 2<sup>nd</sup> 6-Month Extension becomes effective on, 12/5/08.

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

6. **Lewis & Yolanda Perry Subdivision** – Letter from Lewis & Yolanda Perry, dated 11/24/08 addressed to the Planning Board in regards to the Perry Subdivision – requesting “***Re-Approval***” of Final Approval of a proposed 2-Lot subdivision. SBL # 58-2-11.22. Final Approval was granted on 12/5/07. *The delay was due to the applicant’s surveyor having suffered a debilitating car accident between the time he made an on-site visit and presented us with the Town approved description of Riley Court. The loss time was unfortunate and unavoidable.* Re-Approval of Final Approval becomes effective on, 12/5/08, subject to the conditions of final approval granted on, 12/5/07.

Mr. Kowal makes a motion on the Lewis and Yolanda Perry Subdivision, granting “***Re-Approval***” of Final Approval for a proposed 2-Lot subdivision, situated on tax parcel S 58 B 2 L 11.22; parcel located on the right side of Alexander Road 1500 feet north of Old Dutch Hollow Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of Final Approval granted on 12/5/07. (See attached). Re-Approval of Final Approval becomes effective on, 12/5/08.

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

7. **Gables Subdivision** – Letter from Lehman & Getz Engineering, dated 11/25/08 addressed to the Planning Board in regards to the Gables Subdivision – requesting “***Re-Approval***” of Final Approval of a proposed 15-Lot cluster Subdivision. SBL # 44-1-132. Final Approval was granted on 12/5/07. *The applicant is still currently working on Bonding issues that must be resolved before final maps are signed by the Planning Board Chairman.* Re-Approval of Final Approval becomes effective on, 12/5/08, subject to the conditions of final approval granted on, 12/5/07.

Mr. McConnell makes a motion on the Gables Subdivision, granting granted “***Re-Approval***” of Final Approval for a proposed 15-Lot cluster subdivision, situated on tax parcel S 44 B 1 : 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. (See attached). Re-Approval of Final Approval becomes effective on, 12/5/08.

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

### **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. Showalter makes a motion to adjourn the December 3, 2008 Planning Board meeting.**

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