

TOWN OF WARWICK PLANNING BOARD

May 16, 2018

Members present: Chairman, Benjamin Astorino
Roger Showalter, Vice-Chairman
Dennis McConnell, Christine Little,
John MacDonald, Alt.
Laura Barca, HDR Engineering
J. Theodore Fink, Greenplan
John Bollenbach, Planning Board Attorney
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, May 16, 2018 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 Michael & Danielle Post

Application for Final Approval of a proposed 2-Lot subdivision, situated on tax parcel S 63 B 2 L 13; parcel located on the south side of Conklin Road 750 feet east of Warwick Turnpike (12 Conklin Road), in the MT zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Mike Post, Applicant.

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

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – 04/19/18 no comments
6. Survey, sheet 2 of 4, must be signed and sealed by the Licensed Land Surveyor.
7. The metes and bounds for all lot lines, including the proposed lot lines, must be shown on the drawing.
8. The SWPPP should include the two “Better Site Design” Practices shown on Sheet 1, Note 15.
9. On the SWPPP, top of Page 4, there is a blank line for the Site Superintendent. If the name of this person is not known, then a description of his duties should be provided (and the blank line deleted).
10. Sheet 1, Note 15 should reference the SWPPP.
11. The SWPPP must be signed/sealed by a New York State Professional Engineer. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, Note 13

12. Surveyor to certify that iron rods have been set at all property corners.
13. Applicant to clarify if offering road dedication of Conklin Road.
14. The liber and page for the Ridgeline Overlay Notes must be added to the plan.
15. Payment in lieu of parkland fees per §75-3.A(2)(a)(3) for one lot.
16. Payment of all fees.

The following comment submitted by the Conservation Board:

Michael & Danielle Post – None submitted.

The following comment submitted by the ARB:

Michael & Danielle Post – No submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has declared itself Lead Agency. It is an Unlisted Action. The only issue was the Ridgeline Overlay District. I have prepared a draft Negative Declaration for the Board's consideration which includes language for the Ridgeline Overlay District. The applicant proposes a 25-foot building on the site. The only thing is in terms of compliance with the Zoning is the area right on Conklin Road that much of that area would be disturbed for the drainage. As per the Zoning Regulations, that area should be screened with additional plantings. I understand that there is a lot of vegetation on the site. The applicant has sited the building very well in terms of the existing vegetative forest areas on the site. Since some vegetation in that area will be removed if you could plant a couple of trees along the road that would satisfy the requirements.

Dave Getz: Ok.

Mike Post: There will be no vegetation removed. If that is something that we have to do in order to move forward, then fine.

Mr. Astorino: I recently took a ride up there. Where the applicant is proposing the house along Conklin Road there is nothing. It is an open field. It is an open meadow.

Mike Post: Right.

Mr. Astorino: I don't know what would be replaced there. We had this conversation at the Work Session. I said that we would take a ride to the site to take a look. We had done that. There are no trees coming down that I had seen with this structure or even from the road.

Mr. Fink: The issue is to screen it from public viewing locations.

Mr. Astorino: What you are saying is to throw a few trees in.

Mr. Fink: To be put in along the road.

Mr. Astorino: Not right along the road. It would be back from the road.

Dave Getz: So that we would keep the site distance.

Mr. Fink: Absolutely. You wouldn't want to disturb the site distance. Yes. It would be back from the road. There is an area where there is a culvert. It looks like there would be some grading within that area.

Dave Getz: Yes.

Mr. Fink: Looking at the plan, if there is room right here, I would plant a couple of trees.

Laura Barca: Looking at the plan, you can't put the trees here. If you planted trees there, you would disrupt the drainage flow.

Dave Getz: We could go back behind that swale if we have to.

Mr. Astorino: How many trees are we talking about? We are not putting the trees on the road.

Mr. Showalter: Ted, I greatly respect your guidance in this matter. I agree with Ben. I don't think we should put trees on that road. I know that road. They get a lot of snow up there. They would fall into the road. Knowing that this is the Ridgeline Overlay, you are asking for this to be done. There are rules that the applicant must comply with. However in this particular situation where his property is located, I don't see this as being a significantly visible ridgeline from anywhere. I don't think we have to go way overboard on planting. I don't see the impact in the overall on being that big. With all the snow and everything we get, I don't think we need any more trees up on that mountain on the road. That is my opinion.

Mr. McConnell: You mean no more trees on the road. Is that correct?

Mr. Showalter: Yes.

Mr. McConnell: But if it is set back in an appropriate area set back from the road, it would break up sort of and remediate it a little.

Mr. Showalter: Yes. I respect that. But we definitely have to keep the trees off the road. It is not in the best interest of everybody at all.

Mr. Fink: I am in a disadvantage because I did not get out to the site. I know that Laura and Ben has been out to the site. I would certainly defer to your opinions on it.

Mr. Bollenbach: We will add a comment supplemental plantings to the Planning Board Engineer's specifications.

Dave Getz: Could those plantings be done at the time of a building permit when construction is being done?

Mr. Astorino: First, we would have to decide if you would even need plantings.

Dave Getz: Ok.

Mr. Astorino: Second of all, we could do that.

Dave Getz: Ok.

Comment #2: Applicant to discuss project.

Dave Getz: The property is a 10.6-acre property. The Post family live on one side of the property. They are dividing it into 2 lots to conform with the zoning.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 04/19/18 no comments

Comment #6: Survey, sheet 2 of 4, must be signed and sealed by the Licensed Land Surveyor.

Dave Getz: Ok.

Comment #7: The metes and bounds for all lot lines, including the proposed lot lines, must be shown on the drawing.

Dave Getz: Ok.

Comment #8: The SWPPP should include the two “Better Site Design” Practices shown on Sheet 1, Note 15.

Dave Getz: Ok. Will add.

Comment #9: On the SWPPP, top of Page 4, there is a blank line for the Site Superintendent. If the name of this person is not known, then a description of his duties should be provided (and the blank line deleted).

Dave Getz: Ok.

Comment #10: Sheet 1, Note 15 should reference the SWPPP.

Dave Getz: Ok.

Comment #11: The SWPPP must be signed/sealed by a New York State Professional Engineer. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1, Note 13

Dave Getz: Ok.

Comment #12: Surveyor to certify that iron rods have been set at all property corners.

Dave Getz: Ok.

Comment #13: Applicant to clarify if offering road dedication of Conklin Road.

Dave Getz: They considered it. But they are not going to offer it.

Mr. Astorino: We discussed that at the Work Session. That is fine.

Comment #14: The liber and page for the Ridgeline Overlay Notes must be added to the plan.

Dave Getz: Ok.

Comment #15: Payment in of parkland fees per §75-3.A(2)(a)(3) for one lot.

Dave Getz: Ok.

Comment #16: Payment of all fees.

Dave Getz: Fine.

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

Lynn Tonnesen: I am your neighbor. I live at 38 Conklin Road. I am your neighbor. I have the big house up on the hill. Is the house going in front of the Greystone house? That is the home for the disabled.

Michael Post: It would be going adjacent to it.

Lynn Tonnesen: Would it be on that piece of land?

Mr. Astorino: Dave, please show the map to Ms. Tonnesen and show her where the house would be located on the property.

Mr. Getz shows the map to Ms. Tonnesen and explains the location of the proposed house and driveway where it would be located in an open field.

Lynn Tonnesen: Ok. You said the property is 10+ acres. The Zoning for it is for 5 acres. Why is there a public hearing on this if you could split the property and put 2 homes on it?

Dave Getz: Public hearings are required when you do a subdivision.

Lynn Tonnesen: Ok. I was just wondering if this would change the zoning but it is already the same.

Mr. Astorino: Absolutely. It would not change the zoning.

Lynn Tonnesen: Ok. Thank you.

Laura Barca: Every subdivision requires a public hearing.

Lynn Tonnesen: Ok. Thank you.

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

Mr. McConnell makes a motion for the Negative Declaration.

Seconded by Ms. Little. The following Resolution was carried 5-Ayes.

617.12(b)

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

Name of Action: Post Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed two lot subdivision, Town of Warwick, Orange County, New York, and

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

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 4/25/18, 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 Ms. Little. Motion carried; 5-Ayes.

Ms. Little makes a motion on the Michael and Danielle Post application, granting Final Approval for a proposed 2-Lot subdivision, situated on tax parcel S 63 B 2 L 13; parcel located on the south side of Conklin Road 750 feet east of Warwick Turnpike (12 Conklin Road), in the MT zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on May 16, 2018. Approval is granted subject to the following conditions:

1. Survey, sheet 2 of 4, must be signed and sealed by the Licensed Land Surveyor.
2. The metes and bounds for all lot lines, including the proposed lot lines, must be shown on the drawing.
3. The SWPPP should include the two "Better Site Design" Practices shown on Sheet 1, Note 15.
4. On the SWPPP, top of Page 4, there is a blank line for the Site Superintendent. If the name of this person is not known, then a description of his duties should be provided (and the blank line deleted).
5. Sheet 1, Note 15 should reference the SWPPP.
6. The SWPPP must be signed/sealed by a New York State Professional Engineer. Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." Sheet 1, Note 13
7. Surveyor to certify that iron rods have been set at all property corners.
8. The liber and page for the Ridgeline Overlay Notes must be added to the plan. Provide supplemental plantings to Planning Board Engineer's specifications.
9. Payment in lieu of parkland fees per §75-3.A(2)(a)(3) for one lot.
10. Payment of all fees.

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

Dave Getz: Thank you.

Review of Submitted Maps:***Verizon Wireless/39 Transport Lane***

Application for Site Plan Approval and Special Use Permit for the construction and use of 160-Foot Cell Tower with 50'x60' compound and related improvements, including antennas, cables and equipment, situated on tax parcel S 3 B 2 L 2.222; project located on the eastern side of Pine Island Turnpike (39 Transport), project a/k/a Pine Island Communication Facility, in the AI zone, of the Town of Warwick.

Representing the applicant: Scott Olson from Young/Sommer LLC.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. OCPD: no comments received
4. Building Department: 05/14/18 four open permits, 1 expires permit, and two renewed permit; Applicant to contact building department
5. ZBA variances are required for this application.
6. The planning board may decide to conduct a site inspection to this proposed project site.
7. The planning board may wish to require that a "Balloon Test" be conducted for the full height and/or the allowed height of this proposed cell tower. This may be coordinated with the ZBA, as well. §164-80.C(10). The Code requires this test be announced in the newspaper 14 days prior to the test.
8. The zoning information (zoning district, bulk requirements, proposed use number, and any special conditions from the Town Code must be shown on the drawings.
9. An agricultural data statement must be completed and submitted to show the farms with 500-ft of this property.
10. Plan sheets must be in compliance with the Town's stormwater regulations (164-47.10).
11. The area of disturbance must be shown on the drawings.
12. Property owners of record within 300-ft to be added to the plan, including the section-block-lot numbers.
13. The appropriate Town of Warwick Standard notes must be added to the plan.
14. Provide updated Emergency Service Plan and post contact information at the site for emergency purposes.
15. §164-77A.(3) Applicant to confirm that cell tower is not located within 250-ft of a designated historic structure or within 150-ft of a scenic road right-of-way.
16. §164-77.B (1), (2), and (3) The cell tower must comply with the location requirements.
17. §164-77.C(1) The allowed height is 120'; the proposed height is 160'.
18. §164-77.C(2) The fall zone is required to be 160'; Applicant is proposing 138'. Applicant to clarify if proposing a "break point" in the tower to reduce the fall zone.
19. §164-78.A Applicant to show/describe on drawings how this facility will be camouflaged. §164-79.A.(1)(a) or (b) The Board must determine if additional landscaping/screening should be installed and if the tower has been camouflaged by design. A Landscape plan shall be submitted §164-80.C(8). Actual color samples for materials of construction should be provided (§164-80.C(7)).

20. §164-78.B Applicant to show on drawings how this facility will be required to be lit by FAA.
21. §164-78.C Applicant to clarify what noise levels will be at the base of the building closest to the tower, including standby power generation equipment. If a generator is proposed, applicant to add note to plan and provide specifications on the proposed generator model, including manufacturer noise assessment and sound attenuation features on the drawings.
22. §164-78.D Applicant to provide a Radio Frequency (RF) report, see also §164-79.C(1).
23. §164-79.A.(1) and (4) The color of the towers (in this case, the tri-sectored antenna system), cabinets, and associated accessory structures are required to be non-reflective; color samples must be submitted.
24. §164-79.A.(2) All lighting, including existing, must be in compliance with §164-43.4, where all lighting features are shielded/facing downward.
25. §164-79.A.(3)(a) All signage, including existing, must be in compliance with §164-43.1; Applicant to add note to document the type and locations of required FCC signage. FCC signage should be installed (if this application is approved) in accordance with applicable local, State, and Federal rules and regulations.
26. §164-79.A.(3)(b) Applicant to confirm if Danger-High Voltage signs are required/posted.
27. §164-79.A(4) Applicant must comply with equipment shelter requirements.
28. §164-79.A(5) Applicant must comply with accessory structure requirements.
29. §164-79.B(1) Applicant to provide additional information to show that the proposed tower is not located within wetlands or wetland buffers, in endangered, threatened, or special concern species habitats, water bodies, historic, or archaeological sites.
30. §164-79.B(2) Applicant to clarify is hazardous materials will be used at this site.
31. §164-79.B(3) Applicant to clarify that any increase in stormwater runoff shall be contained on site.
32. §164-79.B(4) Applicant to confirm that noise is less than 50dB at the property line.
33. §164-79.C(2) Applicant to clarify security measures at this site, see also §164-80.C(4).
34. §164-79.C(3) Applicant to provide foundation design / report, see also §164-80.B(3).
35. §164-80.B.(1). This special use application requires proof that the Applicant is a licensed carrier in the project area.
36. §164-80.B(2) A statement from a radio frequency technical expert that the installation of the proposed antenna will not interfere with nearby radio or TV uses.
37. §164-80.B(4) Applicant to show that the facility will be fully automated and will require only occasional maintenance of the facility and site.
38. §164-80.B(5) A report must be submitted documenting other possible locations for a tower / antennas and supporting information about why the existing structures are inadequate, see also §164-80.C(1) and (2).
39. §164-80.C(3) Applicant to show proposed locations of antennas, mounts, and equipment shelter. §164-80.C(6) Applicant to provide the materials of the proposed facility specified by generic type and specific treatment.
40. §164-80.C(5) Applicant to provide drawings showing full build-out of tower, including on the tower and on the ground.
41. §164-80.C(9) Applicant to show visual impact with before and after color photographs/simulations of key viewpoints.
42. Declaration information for any applicable Overlay Districts must be added to the plan.
43. Please add a note to the plan: An annual RF Emissions report shall be submitted to the Town of Warwick Building Department by May 1st of each calendar year. The annual report shall assess cumulative RFR from both towers at the site.

44. Please add a note to the plan: A cumulative annual structural report shall be submitted to the Town of Warwick Building Department by May 1st of each calendar year for the tower structure on which T-Mobile is proposing to co-locate.
45. Please add a note to the plan: An annual access maintenance contract shall be submitted to the Town of Warwick Building Department by May 1st of each calendar year.
46. Certification of iron pins at the corners.
47. Payment of all fees.

The following comment submitted by the Conservation Board:

Verizon Wireless/39 Transport Lane – None submitted.

The following comment submitted by the ARB:

Verizon Wireless/39 Transport Lane – None submitted.

Mr. McConnell: The site location map shows Lot #2.223 and the description that you just read says Lot #2.222. Which one is the correct lot?

Laura Barca: The vicinity map was incorrect.

Mr. McConnell: Ok. The vicinity map is incorrect. Thank you.

Mr. Astorino: Laura, is that reflected in the comments?

Laura Barca: Sure.

Scott Olson: We will address that.

Mr. Astorino: If that is not in one of the comments this evening, we will put that in now.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: Under the Town Zoning Law and SEQRA, the application is considered as a Type 1 Action. Since the ZBA is involved, a coordinated review is required. I have prepared a Resolution for the Planning Board's consideration on its Intent To Be Lead Agency.

Mr. Showalter makes a motion for the Intent To Be Lead Agency.

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

617.6
State Environmental Quality Review (SEQR)
Resolution Establishing Intent to be Lead Agency
Type 1 Action

Name of Action: Verizon - 39 Transport Lane Wireless Telecommunications Tower

Whereas, the Town of Warwick Planning Board is in receipt of a Site Plan/Special Use Permit application by View Wireless Infrastructure Fund LP and Orange County-Pouyghkeepsie Limited Partnership d/b/a Verizon Wireless for a \pm 0.07 acre lease area on a \pm 5.8 acre parcel of land located at 39 Transport Lane, Town of Warwick, Orange County, New York; and

Whereas, an Environmental Assessment Form (EAF) dated April 16, 2018 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 a Type 1 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 then considered by the Planning Board; and

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

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

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

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

Comment #2: Applicant to discuss project.

Scott Olson: We are proposing to build a new cell tower at the entrance of 39 Transport Lane. It would be approximately 160 feet tall with a 4-foot lightning rod on top. It would make the structure from bottom to top at 164 feet tall. The property is currently used for industrial use. It is going to have access off the public's Right-Of-Way. It is a 50'x60' lease area. The first carrier that View Wireless has ready to go is Verizon Wireless. I also represent them. Verizon Wireless is proposing to install their antennas at about 155' to 156' centerline. That is basically at the top spot. They are talking about adding a 12'x16' platform. In the past before this Board, we use to use 12'x30' shelters. They have stopped using those. It will be a much smaller footprint for Verizon Wireless. You can't see it from the public's Right-Of-Way. Not only there will be trees blocking it, there will also be spindles blocking the tower. View Wireless also has T-Mobile. AT&T is also very interested. They were not able to join the application because of budget issues. They anticipate that they could add it to their 2019 Budget. They would be doing that towards the end of summer or early fall. We know that the ZBA is an Involved Agency. Hopefully they could get involved and make some progress to show those

carriers. You could have a tower with 3 carriers on it right off the bat. That would be phenomenal to happen.

Mr. Astorino: We know that you would have to go to the ZBA because of the height of the tower. But, what is the reason for going above the required height from what the Town Code has?

Scott Olson: In our application, we have a Radio Frequency Engineer Analysis. They analyze the existing network and what the service is. They predict what the service would be from any particular site. In this case, they ran the height. 160 feet was basically the minimum height to get the coverage that they need and provide the capacity relief that they need. It is really a 2 purpose site. That way you would be able to extra coverage. As you all know, the coverage is horrible out there. They also have to release some capacity from existing sites because there are people using the network. I believe that HDR Engineering is in the process of reviewing the RF materials. I am sure that is Mike Musso from HDR reviewing that.

Laura Barca: Yes. It is.

Scott Olson: We have worked with Mike in the past many times.

Mr. Astorino: The area that you are putting this tower is a little lower. My question is if there are other spots in the vicinity where this tower would function that it could be placed without exceeding the requirements of the Town?

Scott Olson: Unfortunately no. The 120-foot in your Zoning Law is basically the maximum height in your Code. The ZBA could allow it to exceed that height.

Mr. Astorino: I know that. I am just asking if there are other sites in the general vicinity without exceeding.

Scott Olson: No. We can't. At the public hearing, we could have the RF Engineer here to explain it much better than I can. It is a low area.

Mr. Astorino: That is what I mean. That is why I am questioning that.

Scott Olson: Because it is a capacity site, we have to put this into the existing network. The area in which we could go is pretty limited these days.

Mr. McConnell: In layman's terms, I think of an antenna sending out a circular signal.

Scott Olson: Generally.

Mr. McConnell: That is roughly speaking. What you are saying is that there is some service there. There is some signal in that area now. What you are trying to do is strengthen that signal in that area. This would allow enough of an overlap of the areas as a venn-diagram.

Scott Olson: Yes. It is a very weak signal over there. It doesn't even come up to the design standards. If a bunch of people were trying to use it, it is not strong enough to

accommodate the number of users in that area. That venn-diagram you mentioned provides overlap so that it is a seamless handoff from one site to the next so that calls are not dropped or interrupted.

Mr. McConnell: When your RF people run these analyses do they quantify the improvement by referencing how many fewer drop offs there would be?

Scott Olson: They do it by signal strength. They have a design standard. Generally they are looking for a negative 105 decibel signal affect. They do it that way. They run the programs and models based on that.

Mr. McConnell: Would this get them closer to that standard?

Scott Olson: Yes.

Mr. McConnell: How much improvement would they gain by exceeding the Town's recommended or preferred height?

Scott Olson: It would be significant. Verizon Wireless wouldn't bother wasting their money by putting it at 120-foot height. It wouldn't be worth it to them.

Mr. McConnell: Ok. Maybe you could let them know that this Board member would want to know that.

Scott Olson: It is a good question.

Mr. Astorino: I am sure the ZBA is going to ask that.

Ms. Little: How close is this sit to the boundaries of that lot footage wise? What are your plans for allowing enough space for it in the event of a huge storm like we had yesterday and it falls over? What is your plan for that?

Scott Olson: Good question. You have a setback requirement that equals the height of the tower. It should be 160 feet or 164 feet depending on the lightening antenna. We are 138 feet from the front property line. We are 138 feet from the building towards the back of our lease area. We ae 145 feet to the eastern south of our side line. We are a little short on that. We have a letter from Tower Engineering that confirms the tower will be designed so that if it would fail, it would fail within 130-foot radius.

Comment #3: OCPD: no comments received

Comment #4: Building Department: 05/14/18 four open permits, 1 expires permit, and two renewed permit; Applicant to contact building department.

Mr. Astorino: Laura, is that for the property owner?

Laura Barca: That is for the property owner. This applicant does not have anything to do with the property.

Mr. Astorino: It is still the property.

Laura Barca: Correct. The Building Department will not issue any new permits until these are taken care of.

Scott Olson: We will talk to the property owner.

Comment #5: ZBA variances are required for this application.

Mr. Bollenbach: Mr. Ted Fink has prepared a memo. Would you like for him to read that memo now?

Mr. Astorino: Yes.

Mr. Fink: Yes. I have prepared a memo to the Planning Board, dated 5/16/18. There are 4 variances that the applicant has requested. One variance is for the tower height. The way the Zoning is written, 120 feet is the maximum limit unless the Zoning Board of Appeals issues an approval. Then in that case they could go up to 199 feet in which the 120 feet would not be able to provide a significant amount of coverage. The second variance would be for the fall zone. The Applicant's Attorney has already discussed that. There are also two other variances needed for the landscaping and the fence height. There are mandatory requirements for landscaping. There are other issues related to the visual impacts and the camouflaging. (See attached Greenplan's Memo addressed to the Planning Board dated 5/16/18)

I am in receipt of proposed Site Plan and Special Use Permit applications, dated April 25, 2018, received by the Planning Board on May 2, 2018. The documents include but are not limited to the following:

- Full scale Site Plans in a 5 sheet plan set dated April 25, 2018
- Reduced Site Plans in a 17 sheet plan set dated April 20, 2018
- Agriculture Data Statement dated April 17, 2018
- Statement of Intent and Project Description to accompany the applications in a bound document
- Part 1 Full Environmental Assessment Form dated April 16, 2018

The following preliminary comments on the above documents are offered for the Planning Board's consideration. These comments should not be considered all inclusive. There may be additional comments as further information is provided for my review. My comments focus on consistency of the proposed plans with the Zoning Law's requirements for Wireless Telecommunications Facilities including the Town's Site Plan and Special Use Permit requirements.

1. **SEQR.** The applications are subject to SEQR. Section 164-77.A(4) of the Zoning Law designates the "Placement, construction and modification of a wireless telecommunications facility requiring a special use permit as a Type 1 action under the New York State Environmental Quality Review Act (SEQR)." Since there is one other agency involved (Town Zoning Board of Appeals), SEQR requires that a coordinated review be conducted. Attached

to this Memo is a draft Resolution declaring the Planning Board's intent to be lead agency together with a draft letter to be sent to the ZBA requesting that the Planning Board be designated as Lead Agency for the SEQR review of the applications. The ZBA will have 30 days to decide whether to contest the Planning Board's intent. If they do not contest the Planning Board or 30 days elapses, the Planning Board will be designated Lead Agency. Assuming the Planning Board will be Lead Agency, until it concludes the SEQR process, no other agency may make a decision on the applications.

2. **Use.** The applicant has proposed a 164 foot high conventional monopole and related telecommunications facilities in the hamlet of Pine Island. The site appears to be within the Agricultural Industry (AI) Zoning District. In the AI District, the use is permitted subject to Site Plan approval as well as approval of a Special Use Permit. It is proposed for a parcel that is already developed. Orange County parcel information indicates that there is a 36,882 square foot cold storage facility on the site along with other improvements. Under Section 164-22 of the Zoning Law, additional special uses and accessory uses are permitted in conjunction with an existing principal use.

The Zoning limits new Wireless Telecommunications towers to 120 feet high. However, if the applicant can demonstrate "That adequate coverage would not be provided by a tower up to 120 feet and if the applicant can demonstrate that, based upon topography of the site and surrounding area, siting of the antenna, antenna design, surrounding tree cover and structures and/or through the use of screening, that off-site views of the facility will be minimized." then the ZBA may approve a new tower to be up to 199 feet high. The applicant will also need to seek other variances from the ZBA including a requirement that a "fall zone," equal to the Tower height, be provided in order to ensure public safety impacts and visibility. The Planning Board is also authorized to require additional setbacks to ensure public safety. As stated above, the ZBA will be unable to grant any approvals until SEQR has been concluded by the Planning Board. Tower height and compliance with the Performance Standards in Section 164-78 of the Zoning Law will need to be demonstrated.

3. **Performance Standards.** The Zoning Law at Section 164-78.A sets performance standards for new Wireless Telecommunications facilities. The Zoning Law requires that: "All wireless telecommunications facilities shall be designed to blend into the surrounding environment through the use of design and color except in such instances where color is dictated by federal or state authorities, such as the Federal Aviation Administration." Other performance standards include lighting, noise, and radio frequency radiation standards.

The Special Use Permit regulations for Wireless Telecommunications Towers further require compliance with Design Standards, including camouflage by design or vegetation, as follows: "The wireless telecommunications facility shall be designed to eliminate, to the greatest extent possible, the visibility of the proposed facility as viewed from a residence, public road or pathway, or public area by means of concealment, camouflage, disguise, or placement. The applicant shall make every available effort to ensure that the visibility of the proposed wireless telecommunications facility is slight or nonexistent. Wireless telecommunications facilities shall be camouflaged by vegetation and/or design..." In regards to camouflage, the applicant in their "Statement of Intent" assert that: "Use of camouflage, such as a faux pine tree tower, is not recommended in this instance since such design will: (i) increase the overall visibility of the structure by increasing the overall height and width of the structure, (ii) reduce the number of potential collectors on the tower due to the design/branches, and (iii) be out of character with

the surrounding neighborhood.” The Town has previously approved at least two stealth towers that camouflaged their visibility, as far as I know, without significantly increasing the tower height or width and collocations have been provided for other carriers. In addition, the Planning Board approved a stealth tree tower in Pine Island in the 1990’s on a site very close to the proposed project site. This tower, however, was never constructed. Nevertheless, a tower disguised as a faux pine tree tower may or may not be appropriate for “Pine” Island but is only one of several options outlined in the Zoning Law including: “A silo, flagpole, clock tower, bell tower, cross tower, steeple, or other replication of the structure that would be consistent with the character of the community as determined by the Planning Board.” [emphasis added].

In my opinion, the applicant will need to demonstrate that they have minimized visibility of the proposed new tower in order to comply with the Zoning Law. The applicant will also need to demonstrate how a monopole tower is consistent with the character of the neighborhood. In this case, since Pine Island is in the heart of the flat black dirt area, it could be visible for miles in different directions. Section 164-79.A(6) of the Zoning Law requires that: “Wireless telecommunications facilities shall not be located within open areas that are visible from public roads, recreational areas or residential development. As required in § 164-75D(1)(a)[2], all ground-mounted wireless telecommunications facilities shall be surrounded by a buffer of dense tree growth or shall be camouflaged by design to minimize the adverse visual and aesthetic impact.” The required balloon test should reveal the extent of visibility. But minimizing visibility by camouflage or vegetation will also need to be carefully analyzed and considered, especially since the proposed tower exceeds the Zoning Law’s maximum height and camouflaging is a requirement of the Zoning Law.

These and other SEQR issues will need to be completed in order to demonstrate that the Board has conducted a “hard look” at the environmental impacts and mitigation measures that are available to minimize or avoid adverse impacts of the applications. Under Section 164-46.E of the Zoning Law (General considerations for special permits): “The Planning Board may require modifications to development proposals, submission of alternative design and layout proposals, and may attach reasonable conditions and safeguards to eliminate or minimize potential impacts as a precondition of its approval...[and] The character and appearance of the proposed use, buildings, structures, outdoor signs and lighting shall be in general harmony with the character and appearance of the surrounding neighborhood and that of the Town of Warwick, and shall not adversely affect the general welfare of the inhabitants of the Town of Warwick, such recommendation to be made by the Town's Architectural Review Board with reference to the Town of Warwick Design Standards, and the signage and lighting regulations of §§ 164-43.1 and 164-43.4 respectively.” Section 164-46.H also outlines how the Planning Board should approach minimization of environmental impacts by requiring submission of alternative design and layout proposals based up-on the Town’s Design Standards as well as the “Standards for review and design” found in 164-46.H of the Zoning Law.

Mr. Astorino: What we are going to do tonight is go through just a couple of these comments tonight that are relevant at this point. Then, you will be off to the ZBA. As far as everything else the camouflaging as we get into RF Reports which HDR is still reviewing, we will keep these comments for the record. At this point, it will be up to the ZBA to see if you will be able to proceed with this or not.

Scott Olson: We are ok with trying to run things concurrently. We know that you have a process. The process takes some time. We are trying to get to a point where the process could be getting close to the end by the end of summer or early fall so that we could get T-Mobile and AT&T on board. They are doing their budgets around that time. If they don't get it into their budgets, then it goes into the year 2019.

Mr. Astorino: Have you applied to the ZBA yet?

Scott Olson: We were ready to do it today. We called the Town to see how many copies they needed.

Connie Sardo: I spoke to Lisa. I told her that this will be the first Planning Board Meeting that this application would be on.

Mr. Astorino: When is the ZBA meeting?

Connie Sardo: The next ZBA meeting is June 25th.

Mr. Astorino: Are they on for that meeting?

Connie Sardo: No. They have not submitted for that yet.

Scott Olson: Is it June 25th or in May?

Connie Sardo: The next ZBA Meeting is June 25th. The May meeting is May 21st which is Monday.

Scott Olson: Ok. The next ZBA meeting is June 25th.

Connie Sardo: I would need your ZBA submittal by June 4th in order to be on that meeting. I spoke to your Secretary Lisa. I told her what was needed to submit for the ZBA.

Scott Olson: Ok.

Mr. Astorino: HDR is going to be reviewing the RF Report. Let's move forward.

Comment #6: The planning board may decide to conduct a site inspection to this proposed project site.

Mr. Astorino: Yes. We will schedule a site visit.

Comment #7: The planning board may wish to require that a "Balloon Test" be conducted for the full height and/or the allowed height of this proposed cell tower. This may be coordinated with the ZBA, as well. §164-80.C(10). The Code requires this test be announced in the newspaper 14 days prior to the test.

Mr. Astorino: At this point, we could contact the ZBA. I don't know what your timeframe is for this Balloon Test. It may be relevant to do it before your ZBA meeting.

Scott Olson: We will get going on this right away.

Mr. Astorino: Our Board could contact the ZBA to set a date for that and do a site visit. We could do a joint site visit with the ZBA. With that, you get to the ZBA on June 25th and if you publish 14 days prior, you will have your balloon test and some information.

Scott Olson: Yes.

Mr. McConnell: Would you suggest to do the balloon tests at multiple heights?

Scott Olson: Yes. That could be done. Does the Board or its Consultants have any suggestions as to sites? We will put together a list of sites from where photos should be taken. You know your Town better than we do.

Mr. Astorino: I am sure we could compile a list.

Mr. Fink: The Town has a Comprehensive Plan that has a map called a "Special Features" map that shows areas in the Town that has been identified as scenic areas or as scenic view sheds.

Scott Olson: Ok. Thank you.

Mr. Astorino: Ok. You will be going to the ZBA. This Board has on occasions given recommendations. I wouldn't give a recommendation. I don't know how the rest of the Board feels about that. What kind of recommendation does the Board want to send them to the ZBA with?

Mr. McConnell: I feel we don't have enough information yet.

Mr. Astorino: I agree. I feel that we should send them to the ZBA "Without" Recommendation. How does the Board feel about that?

Ms. Little: Yes.

Mr. McConnell: Yes.

Mr. Astorino: Ok. We have a consensus from the Board to send them to the ZBA "Without" Recommendation.

Ms. Little: When is our next Work Session?

Connie Sardo: Our next Work Session is June 11th.

Mr. Astorino: Let's schedule the site visit before the Work Session on June 11th. We could set the site visit for June 11, 2018 at 6:00 p.m. Does that work out for everyone? Laura, do any of these other comments stand out tonight for you?

Laura Barca: No. HDR will review the RF Report, the capacity, etc...

Mr. Astorino: HDR is in the process of reviewing that. That has not been reviewed yet? Is that correct?

Laura Barca: Yes.

Mr. Astorino: Ok. Do any Board Members or other Professionals have any comments? You are going to the ZBA. Get your ZBA submittal into Connie.

Scott Olson: Yes.

Mr. Astorino: We have a site visit set for June 11, 2018 @ 6:00 p.m. We will list Comment #8 through Comment #47 for the record. You could touch base with our Professionals if you have any comments or concerns. At this point, let's get the ball rolling. We will go from there.

Scott Olson: Great. Thank you.

Laura Barca: You mentioned that you submitted a letter that said you are going to design it to have that break point in it.

Scott Olson: Correct.

Laura Barca: Has that design been submitted?

Scott Olson: No. I think that would be another variance that we would be requesting. Generally the tower and foundation design doesn't get done until there is an actual approval. The reason being is that it costs money to get that done. You would actually have to order the tower for that. We really can't do that just yet. But clearly that would be something that should be a condition of the approval.

Comment #8: The zoning information (zoning district, bulk requirements, proposed use number, and any special conditions from the Town Code must be shown on the drawings.

Comment #9: An agricultural data statement must be completed and submitted to show the farms with 500-ft of this property.

Comment #10: Plan sheets must be in compliance with the Town's stormwater regulations (164-47.10).

Comment#11: The area of disturbance must be shown on the drawings.

Comment #12: Property owners of record within 300-ft to be added to the plan, including the section-block-lot numbers.

Comment #13: The appropriate Town of Warwick Standard notes must be added to the plan.

Comment #14: Provide updated Emergency Service Plan and post contact information at the site for emergency purposes.

Comment #15: §164-77A.(3) Applicant to confirm that cell tower is not located within 250-ft of a designated historic structure or within 150-ft of a scenic road right-of-way.

- Comment #16: §164-77.B (1), (2), and (3) The cell tower must comply with the location requirements.
- Comment #17: §164-77.C(1) The allowed height is 120'; the proposed height is 160'.
- Comment #18: §164-77.C(2) The fall zone is required to be 160'; Applicant is proposing 138'. Applicant to clarify if proposing a "break point" in the tower to reduce the fall zone.
- Comment #19: §164-78.A Applicant to show/describe on drawings how this facility will be camouflaged. §164-79.A.(1)(a) or (b) The Board must determine if additional landscaping/screening should be installed and if the tower has been camouflaged by design. A Landscape plan shall be submitted §164-80.C(8). Actual color samples for materials of construction should be provided (§164-80.C(7)).
- Comment #20: §164-78.B Applicant to show on drawings how this facility will be required to be lit by FAA.
- Comment #21: §164-78.C Applicant to clarify what noise levels will be at the base of the building closest to the tower, including standby power generation equipment. If a generator is proposed, applicant to add note to plan and provide specifications on the proposed generator model, including manufacturer noise assessment and sound attenuation features on the drawings.
- Comment #22: §164-78.D Applicant to provide a Radio Frequency (RF) report, see also §164-79.C(1).
- Comment #23: §164-79.A.(1) and (4) The color of the towers (in this case, the tri-sector antenna system), cabinets, and associated accessory structures are required to be non-reflective; color samples must be submitted.
- Comment #24: §164-79.A.(2) All lighting, including existing, must be in compliance with §164-43.4, where all lighting features are shielded/facing downward.
- Comment #25: §164-79.A.(3)(a) All signage, including existing, must be in compliance with §164-43.1; Applicant to add note to document the type and locations of required FCC signage. FCC signage should be installed (if this application is approved) in accordance with applicable local, State, and Federal rules and regulations.
- Comment #26: §164-79.A.(3)(b) Applicant to confirm if Danger-High Voltage signs are required/posted.
- Comment #27: §164-79.A(4) Applicant must comply with equipment shelter requirements.
- Comment #28: §164-79.A(5) Applicant must comply with accessory structure requirements.
- Comment #29: §164-79.B(1) Applicant to provide additional information to show that the proposed tower is not located within wetlands or wetland buffers, in endangered, threatened, or special concern species habitats, water bodies, historic, or archaeological sites.
- Comment #30: §164-79.B(2) Applicant to clarify is hazardous materials will be used at this site.
- Comment #31: §164-79.B(3) Applicant to clarify that any increase in stormwater runoff shall be contained on site.
- Comment #32: §164-79.B(4) Applicant to confirm that noise is less than 50dB at the property line.
- Comment #33: §164-79.C(2) Applicant to clarify security measures at this site, see also §164-80.C(4).
- Comment #34: §164-79.C(3) Applicant to provide foundation design / report, see also §164-80.B(3).
- Comment #35: §164-80.B.(1). This special use application requires proof that the Applicant is a licensed carrier in the project area.

Comment #36: §164-80.B(2) A statement from a radio frequency technical expert that the installation of the proposed antenna will not interfere with nearby radio or TV uses.

Comment #37: §164-80.B(4) Applicant to show that the facility will be fully automated and will require only occasional maintenance of the facility and site.

Comment #38: §164-80.B(5) A report must be submitted documenting other possible locations for a tower / antennas and supporting information about why the existing structures are inadequate, see also §164-80.C(1) and (2).

Comment #39: §164-80.C(3) Applicant to show proposed locations of antennas, mounts, and equipment shelter. §164-80.C(6) Applicant to provide the materials of the proposed facility specified by generic type and specific treatment.

Comment #40: §164-80.C(5) Applicant to provide drawings showing full build-out of tower, including on the tower and on the ground.

Comment #41: §164-80.C(9) Applicant to show visual impact with before and after color photographs/simulations of key viewpoints.

Comment #42: Declaration information for any applicable Overlay Districts must be added to the plan.

Comment #43: Please add a note to the plan: An annual RF Emissions report shall be submitted to the Town of Warwick Building Department by May 1st of each calendar year. The annual report shall assess cumulative RFR from both towers at the site.

Comment #44: Please add a note to the plan: A cumulative annual structural report shall be submitted to the Town of Warwick Building Department by May 1st of each calendar year for the tower structure on which T-Mobile is proposing to co-locate.

Comment #45: Please add a note to the plan: An annual access maintenance contract shall be submitted to the Town of Warwick Building Department by May 1st of each calendar year.

Comment #46: Certification of iron pins at the corners.

Comment #47: Payment of all fees.

Genius Ventures 1-Lot Subdivision

Application for Sketch Plat Review of a proposed 1-Lot (**Major**) subdivision (noted as an “**Omit**” **Lot** on the prior subdivision map called East Ridge Road Assoc.), situated on tax parcel S 33 B 2 L 12; parcel located on the southern side of Cedar Hill Drive 1200± feet southwest of Belcher Road, in the RU zone, of the Town of Warwick.

Representing the applicant: Mike Morgante from Arden Consulting Engineers.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board: no comments received
4. Architectural Review Board: no comments received
5. TW Building Department: 05/07/18 vacant, no violations
6. OC Planning Department: 05/04/18 possible Indiana Bat habitat onsite (tree clearing can only take place between November 15 and March 31).
7. OCDOH: Approval is valid through 06/06/18
8. There are local drainage concerns in this area; a site inspection by the Planning Board is recommended to observe lot specific drainage, as well as where the stormwater from this lot drains.
9. Service capacity letters must be mailed.
10. The 9-1-1 address for the property must be added to the plan.
11. The first 25-ft of the driveway must be paved in accordance with Town Code §A168-19. Driveways; the detail on Sheet 2 must be updated.
12. If the entire driveway is not paved, a second driveway detail shall be added for the unpaved portion.
13. Add a note to the plans stating that if the driveway is over 10%, it shall be paved for the entire length of the driveway. No driveway grade shall exceed 15% (§79-3.C).
14. The plans signed by the OCDOH must be incorporated into the plan set.
15. An intermediate SWPPP is required for land development activities greater than one acre to less than five acres of disturbance per § 164-47.10C(2)(b). EAF states 1.1 acres disturbance.
16. The metes and bounds for all lot lines, including the proposed lot lines, must be shown on the drawing.
17. The surveyor must sign and seal the plan that shows the metes and bounds.
18. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”
19. The declaration information for the Ridgeline Overlay district shall be added to the plans.
20. Surveyor to certify that iron rods have been set at all property corners.
21. Payment in lieu of parkland fees per §75-3.A(2)(a)(3) for one lot.

22. Payment of all fees.

The following comment submitted by the Conservation Board:

Genius Ventures 1-Lot Subdivision – None submitted.

The following comment submitted by the ARB:

Genius Ventures 1-Lot Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The applicant has submitted a short EAF. It is an Unlisted Action. The Planning Board could go ahead and declare itself Lead Agency.

Mr. McConnell makes a motion for Lead Agency.

Seconded by Ms. Little. 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: Genius Ventures Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by Genius Ventures, Inc. for a \pm 2.42 acre parcel of land located at Cedar Hill Drive, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 4/14/18 was submitted at the time of application, and

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

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

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

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

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

Comment #2: Applicant to discuss project.

Mike Morgante: The project is located off Cedar Hill Drive. This lot was part of an omit lot from a subdivision that was referred to as East Ridge Road Associates and Warwick Development Group. It was filed back in the year 1983 Map #6156. There is no none information to this applicant as to why this particular site was an omit lot at the time. Most likely the Engineer at that time found it difficult to develop that site. Since then, there has been a prior owner of the parcel that has receive OC Health Department approval for sewage disposal system on this subject lot. We have provided the Board with a copy of that letter. We have from OC Health Department the actual design plans that the Planning Board Engineer recommended that we make that part of the set. We will do that in future submittals. We have spoken to the Health Department. Their Health Department approval was set to expire in June of 2018. We received from the Health Department an extension for the approval which is good until June of 2023. We will provide that documentation to the Board in our future submittals. What you see before you is a generic plot plan even though this is considered a 1-lot subdivision. The overall subdivision itself was a major subdivision at the time. This is an omit lot. What you see before you is a single plot plan that shows the location of the proposed house and driveway. On Sheet 2, you will see the location of the approved septic system that was approved by the OC Health Department. We show on the plan a driveway with a potential grading plan. The location of the well was approved by the OC Health Department. We provided an erosion and sediment control plan. This project is simple in nature. At the Work Session, it was discussed that there might be some site drainage concerns on this parcel. I believe the Board wants to set up a site visit at this meeting.

Mr. Astorino: We will discuss that this evening.

Mike Morgante: I think that having a site visit will shed a lot of light on any concerns. We did receive the balance of comments from the Planning Board's Engineer in which we don't really take any exception to them. I think that one of the things that we had determine was the drainage situation if there are any on the parcel. That is pretty much a generic summary of the project.

Comment #3: Conservation Board: no comments received

Comment #4: Architectural Review Board: no comments received

Comment #5: TW Building Department: 05/07/18 vacant, no violations

Comment #6: OC Planning Department: 05/04/18 possible Indiana Bat habitat onsite (tree clearing can only take place between November 15 and March 31).

Mike Morgante: We could put a note on the plans regarding the Indian Bat habitat.

Comment #7: OCDOH: Approval is valid through 06/06/18

Mr. Astorino: You will need to provide the new letter to the Planning Board of the new permit.

Mike Morgante: Ok.

Comment #8: There are local drainage concerns in this area; a site inspection by the Planning Board is recommended to observe lot specific drainage, as well as where the stormwater from this lot drains.

Mr. Astorino: I took a look at some maps this evening of this subdivision. There are issues with the drainage in this subdivision in general where this water runs to the stormwater basins. Laura will provide you with a color coded where we think the easements are. We will talk about it when we go out to the site. The last lot we had done ran out to Minturn Road. Improvements had to be made on that lot. This lot runs towards the back towards Belcher Road or East Ridge where that stormwater pond is located. In my belief, it definitely needs some maintenance.

Laura Barca: A lot of the drainage concerns stems from the fact that there is no maintenance of the existing drainage structure that are there.

Mr. Astorino: Correct. We are going to add more. We would need to have that maintained.

Laura Barca: Correct.

Mr. Astorino: We will discuss that on site. This has been before us at least 2 times. There are some drainage concerns with existing residents that will need to be addressed. If they are running to stormwater facilities that would have to be maintained before this proceeds. We could discuss that at the site visit.

Mike Morgante: Is this particular subdivision within a Drainage District that the Town is required to maintain or not?

Mr. Astorino: No. I don't believe the Town is required to maintain it.

Mike Morgante: Ok.

Mr. Astorino: When we had Lattimer's 1-Lot subdivision before us and when they put this omit lot in, they also had drainage issues that ran to the system. You are putting more into the system. It needs to be maintained. The Lattimer's subdivision ran towards Minturn Road. There are notes on the plans that they had to do some work in order to make this function. Most likely this application will be doing the same. We will deal with that as we go through the process.

Mike Morgante: It would be a good time to schedule a site visit next week with all the rain that we will be having.

Mr. Astorino: This won't be just a one-time deal.

Mike Morgante: Ok.

Comment #9: Service capacity letters must be mailed.

Mike Morgante: Ok.

Comment #10: The 9-1-1 address for the property must be added to the plan.

Mike Morgante: No problem.

Comment #11: The first 25-ft of the driveway must be paved in accordance with Town Code §A168-19. Driveways; the detail on Sheet 2 must be updated.

Mike Morgante: No problem.

Comment #12: If the entire driveway is not paved, a second driveway detail shall be added for the unpaved portion.

Mike Morgante: No problem.

Comment #13: Add a note to the plans stating that if the driveway is over 10%, it shall be paved for the entire length of the driveway. No driveway grade shall exceed 15% (§79-3.C).

Mike Morgante: No problem.

Comment #14: The plans signed by the OCDOH must be incorporated into the plan set.

Mike Morgante: Yes.

Comment #15: An intermediate SWPPP is required for land development activities greater than one acre to less than five acres of disturbance per § 164-47.10C(2)(b). EAF states 1.1 acres disturbance.

Mike Morgante: Yes. We could either modify that to be under the 1-acre threshold. I took a look at that section to see what was required. We may be able to incorporate two out of the list of items.

Laura Barca: We would prefer you to do the actual immediate SWPPP.

Mike Morgante: Ok.

Comment #16: The metes and bounds for all lot lines, including the proposed lot lines, must be shown on the drawing.

Mike Morgante: I wasn't sure about that comment. We do have lot lines shown on the plan with metes and bounds for all of them. Could you provide some clarification on that comment? There are no proposed lot lines here. It is just one existing lot.

Laura Barca: Right, they are existing.

Mr. Astorino: We will clarify that as we go through the process.

Comment #17: The survey must sign and seal the plan that the plans that shows the metes and bounds.

Mike Morgante: This map references a subdivision map. It references a map from Pietrazak & Pfau Engineering that had done the sewage disposal system application approval with the Health Department. That was where the information was taken from. There is no Surveyor of record for this project.

Mr. Astorino: Do we need a Surveyor of record?

Mr. Astorino: That is an existing lot.

Laura Barca: If you show the metes and bounds, then there would have to be someone that is certifying those are correct. At the same time this entire lot is existing and it is not moving. I am required to tell you that. The Planning Board could make a decision from there.

Mike Morgante: There is a Surveyor seal and signature on the original subdivision map and the other maps that I have referenced.

Mr. Bollenbach: It could be referenced. How could you set the pins without a survey?

Mr. Astorino: That is my point. The lot has been there since 1982. Pins could be taken out and moved. I would like to see a Surveyor seal it.

Ms. Little: I agree. We need a survey.

Comment #18: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”

Mike Morgante: No problem.

Comment #19: The declaration information for the Ridgeline Overlay district shall be added to the plans.

Mike Morgante: No problem.

Comment #20: Surveyor to certify that iron rods have been set at all property corners.

Mr. McConnell: We have a lot for this Surveyor to do.

Mr. Astorino: The Surveyor will be busy.

Comment #21: Payment in lieu of parkland fees per §75-3.A(2)(a)(3) for one lot.

Mike Morgante: Ok.

Comment #22: Payment of all fees.

Mike Morgante: Ok.

Mr. Astorino: We need to set a site visit. How about before our next Planning Board Meeting on June 20, 2018 at 6:00 p.m.?

Mr. McConnell: Yes.

Mr. Astorino: Ok. We will schedule the site visit for June 20, 2018 @ 6:00 p.m.. We will meet at the site.

Mike Morgante: Ok. Thank you.

Other Considerations:

1. Planning Board Minutes of 4/18/18 for PB Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 4/18/18.

Seconded by Ms. Little. Motion carried; 5-Ayes.

2. Planning Board to discuss cancelling the 5/28/18-W.S. & 6/6/18-PB Meeting.

Mr. McConnell makes a motion to cancel the 5/28/18-W.S. & 6/6/18-PB Meeting.

Seconded by Ms. Little. Motion carried; 5-Ayes.

Correspondences:

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

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

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

Mr. McConnell makes a motion to adjourn the May 16, 2018 Planning Board Meeting.

Seconded by Ms. Little. Motion carried; 5-Ayes.

