

TOWN OF WARWICK PLANNING BOARD

September 19, 2018

Members present: Chairman, Benjamin Astorino
Roger Showalter, Vice-Chairman
Dennis McConnell, Christine Little,
Bo Kennedy, 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, September 19, 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 OF Genius Ventures, Inc.

Application for Preliminary Approval 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, County of Orange, State of New York.

Representing the applicant: Mike Morgante from Arden Consulting Engineers. Patrick O’Mara, Applicant.

Connie Sardo: Mr. Chairman, we received the certified mailings for the Genius Ventures 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. 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 1 and March 31). This information shall be placed on the plans.
7. Sheet 4, Sediment & Erosion Control Note 5 states that the limits of disturbance is 1.1 acres; Applicant should confirm and update to 1.5 to be consistent. Correct typo in note 1 (“Pre-construction”).
8. Drainage improvements discussed at the site inspection are shown on Sheet 3. PB to discuss offsite improvements near 10 Cedar Hill Drive. Drainage improvement location and language have been added to Sheet 2, Drainage Note 1.
9. Since this home is located within the Ridgeline Overlay District, the applicant should clarify if a 25-ft home will be constructed or if line of sight drawing will be submitted to possibly allow for a 35-ft home.

10. A note should be added to the plan stating that the Applicant will notify the homeowners on that border the drainage easement proposed to be cleaned.
11. A note should be added to the plan stating that the homeowner will maintain the proposed riprap, including any necessary removal from Cedar Hill Drive and any necessary new installation of new riprap material.
12. Applicant to provide calculations demonstrating the use of 4" dia. riprap and the 12" riprap layer thickness. Also confirm if 4" dia. riprap refers to the d50 size.
13. Applicant to clarify if the 2 swales that discharge into the riprap area are also to be lined (riprap) or vegetated, and include notes regarding their maintenance.
14. Applicant to confirm if the 4" dia. plastic drain lines that discharge to the riprap area are solid or perforated pipe.
15. Applicant to specify the type of filter cloth the contractor is allowed to use in lieu of 6" gravel bedding layer beneath the riprap. It should be in accordance with the NYSDEC Standards and Specs for Erosion Control.
16. 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 2, map notes)
17. The declaration information for the Ridgeline Overlay district, maintaining the vegetative buffers (Sheet 3, Note 4), owner maintenance of riprap, and time of tree clearing (Indiana Bats) shall be added to the plans.
18. Performance Bond for the drainage easement improvements proposed.
19. Payment in lieu of parkland fees per §75-3.A(2)(a)(3) for one lot.
20. Payment of all fees.

The following comment submitted by Conservation Board:

Genius Ventures, Inc. – No comment.

The following comment submitted by the ARB:

Genius Ventures, Inc. – No comment submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board had declared Lead Agency on this application. There was a SEQRA review process that was completed for the original subdivision back in the 1980's. This was contemplated as a "Future Lot" in that subdivision. We did ask the Applicant to provide us with an EAF. The only thing that came up of significance was an indication that there were Indiana Bats in the area. In that case, the State had asked for time of year restrictions on cutting trees. The Applicant has agreed to provide that on the plans. As far as SEQRA is concerned that is the only issue.

Comment #2: Applicant to discuss project.

Mike Morgante: This project is located on Cedar Hill Drive. This lot is from a prior subdivision back in the 1980's. This was an "Omit" lot from that subdivision. This lot has gone through the OC Health Department for approval of the sewage disposal system. That documentation has been provided to the Town. The design has been reflected on the plans. A single-family dwelling is proposed on this lot. This lot is located in the RU zone. It meets all of the building setbacks. We had done a site visit with the Planning Board back in June

regarding some potential drainage issues. We identified some of those drainage issues while we were out there. Looking at the map, we will be routing that drainage into a catch basin. That catch basin ties into other catch basins that are located further down the road on Cedar Hill Drive. It ultimately discharges out to a stormwater detention basin. The Applicant has also agreed to clean and maintain that associated drainage ditch and piping that discharges into that stormwater detention basin. We also agreed to minimize any clearing on either side of the property lines to give privacy to the neighbors. Those were the major components of the project that was discussed at the site visit.

Mr. McConnell: What is an "Omit" lot?

Mike Morgante: For whatever reason back in the 1980's this lot may not have been able to be developed for whatever reason the engineer at the time felt was the issue. Maybe they couldn't design a sewage disposal system. Maybe they felt there was another issue associated with the project. I would have to refer to the engineer of that time as to why this was an "Omit" lot. It needed to have an engineering design performed at a later date in order to consider it as a buildable lot.

Mr. McConnell: Ok. What you are saying is at that time the Applicant then did not think he could meet standards.

Mike Morgante: Most likely that was the case.

Mr. McConnell: That would be a guess?

Mr. Bollenbach: It could also have been a cost factor that it may have been too excessive to be designed at the time. If there was no potential whatsoever, I believe the Planning Board would have not even considered creating the "Omit" lot.

Mr. McConnell: Understood. Thank you.

Mr. Fink: Back at that time there was different Zoning that was in place. There was an Environmental Control Formula that governed lots at that time. That might have had something to do with it. There could have been a variety of reasons.

Mr. McConnell: Ok. I was just curious as to why we haven't previously asked someone to do the research as to why this was designated as an "Omit" lot. It would have been beneficial to the original Applicant if he could have built on it. The fact that he decided to label it as an "Omit" lot raises questions in my mind as to why he did that. It should be easy enough to figure out.

Mr. Fink: There were numerous "Omit" lots in that subdivision. We just went through one about 3 years ago for the same type of issue.

Mr. McConnell: Yes. I don't want to hold this Applicant up. I would like to see if you could easily determine that.

Mr. Astorino: That would be in the old Planning files.

Mr. McConnell: It doesn't matter to me as to who determines it.

Mr. Astorino: That is where your answer would lie. You could go look at the minutes.

Comment #3: Conservation Board: no comments received

Laura: We did receive CB comments today. They had no comments on this project.

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 1 and March 31). This information shall be placed on the plans.

Comment#7: Sheet 4, Sediment & Erosion Control Note 5 states that the limits of disturbance is 1.1 acres; Applicant should confirm and update to 1.5 to be consistent. Correct typo in note 1 (“Pre-construction”).

Mike Morgante: No problem.

Comment #8: Drainage improvements discussed at the site inspection are shown on Sheet 3. PB to discuss offsite improvements near 10 Cedar Hill Drive. Drainage improvement location and language have been added to Sheet 2, Drainage Note 1.

Mr. Astorino: We walked that at the site visit. Connie, did we have a couple of the residents come into the office about the outfall which would fall to Belcher Road?

Connie Sardo: Yes.

Mr. Astorino: I drove yesterday out there during the heavy rain through the subdivision to personally take a look at it. All of the water running off those properties into those basins and crossing the road is flowing. I got out of the truck. I took a look at it. It is flowing. I don't have a map in front of me but there is a pipe out there. Ted and Laura, maybe you could take a ride out there and find where the easement is located. I don't want to walk on private property. You need to find out if there is a blockage or something where the outfall pond is. I don't know that. There was a concern about that from a resident that was raised. It might be raised again during the public hearing.

Comment #9: Since this home is located within the Ridgeline Overlay District, the applicant should clarify if a 25-ft home will be constructed or if line of sight drawing will be submitted to possibly allow for a 35-ft home.

Mike Morgante: I believe they are going with a 25-foot home. It could change during the construction period.

Mr. Astorino: If it doesn't happen here, they would have to provide that to the Building Department regarding the line-of-sight. It would be a lot easier to do it now than later.

Mr. Fink: I prepared the Negative Declaration assuming it was 25 feet.

Mike Morgante: It will be at 25 feet.

Mr. Astorino: Ok. That's what will be reflected on the plan. It will be at 25 feet.

Comment #10: A note should be added to the plan stating that the Applicant will notify the homeowners on that border the drainage easement proposed to be cleaned.

Mr. Astorino: That was the one we had discussed while we were out there. If there is anymore, we will deal with it as it goes along. We will put a note on the plan.

Comment #11: A note should be added to the plan stating that the homeowner will maintain the proposed riprap, including any necessary removal from Cedar Hill Drive and any necessary new installation of new riprap material.

Mike Morgante: Ok.

Comment #12: Applicant to provide calculations demonstrating the use of 4" dia. riprap and the 12" riprap layer thickness. Also confirm if 4" dia. riprap refers to the d50 size.

Mike Morgante: We will look at it.

Mr. Astorino: Laura, Is this to make sure that the amount of water running off that property into these drainage pipes that they are going to hook into is adequate?

Laura Barca: Yes.

Comment #13: Applicant to clarify if the 2 swales that discharge into the riprap area are also to be lined (riprap) or vegetated, and include notes regarding their maintenance.

Mike Morgante: We are actually directing piping straight to that riprap area. There is no swale there.

Mr. Astorino: Laura will have to review that.

Laura Barca: Ok.

Comment #14: Applicant to confirm if the 4" dia. plastic drain lines that discharge to the riprap area are solid or perforated pipe.

Mike Morgante: It will be solid pipe.

Comment #15: Applicant to specify the type of filter cloth the contractor is allowed to use in lieu of 6" gravel bedding layer beneath the riprap. It should be in accordance with the NYSDEC Standards and Specs for Erosion Control.

Mike Morgante: Will provide.

Comment #16: 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 2, map notes)

Mike Morgante: No problem.

Comment #17: The declaration information for the Ridgeline Overlay district, maintaining the vegetative buffers (Sheet 3, Note 4), owner maintenance of riprap, and time of tree clearing (Indiana Bats) shall be added to the plans.

Mike Morgante: No problem.

Comment #18: Performance Bond for the drainage easement improvements proposed.

Mike Morgante: Yes.

Mr. Astorino: That is for the inspection of our Engineer to go out to make sure it has been done properly.

Comment #19: Payment of parkland fees per §75-3.A(2)(a)(3) for one lot.

Mike Morgante: Yes.

Comment #20: Payment of all fees.

Mike Morgante: Yes.

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

Ms. Little: Regarding the pipes that you have referred to, was there a swale on the one side of the property that was already constructed by the neighbor?

Mike Morgante: There was a French drain located there. That piping extends all the way to the back to that area. Essentially what happens is that pipe is exposed and it is across the property line. We are picking that up continuing that pipe to this point and having it discharge.

Ms. Little: Ok. Great.

Mr. Astorino: This is a public hearing. If there is anyone in the audience wishing to address the Genius Ventures application, please rise and state your name for the record?

James Dorsey: I live at 15 Cedar Hill Drive. I live right next door. I tried to buy that lot from Mr. Peruso back in 1987. At that time he told me that he could not sell that lot. He couldn't get a perc on that lot. A few years later he had gone in there again. Barry Chaney told me that he was told by the Planning Board that they would never approve that lot because it was too wet. I don't know what happened from there. A few years later after that, he came back again. The same thing happened. Our concerns are mainly with the water on that property. There is a lot of it. It doesn't drain well. It has cost me over \$40K to put in walls, drains, etc... I showed you guys some photos a few years ago about how the water was coming over that. That was back in 2008. In 2010, I put in the French drains right along the property line. I had then routed them back into that property once it got down to where it had angled into my lot. I don't know what to do with it. I also had to put in an 8-foot drywell in front of my property. That was to keep the water from going to the neighbors. I have put a lot of money into this. When you came up and went through things and got a good feel about it, I had a pretty good feeling about that. Once you start clearing that property, I am not necessarily convinced that my single little drain that is put there is going to be sufficient if we continue

to have the kind of weather that we had this past summer. It doesn't seem to be getting any better. Should we have more drains rather than just adding on?

Mr. Astorino: That is why our Engineer will review the calculations with the clearing and the contours that everything with those sizing would work.

Laura Barca: Correct.

James Dorsey: Ok.

Mr. Astorino: That is the Planning Board's Engineer's job to bring to this Board what will work or not work. The Applicant's professionals will do the calculations. Our Engineer will review them to make sure they are correct.

James Dorsey: Did they get a perc on this? The last time we went through this, the County had done a perc.

Mr. Astorino: The Applicant does the perc and provides it. The County Health Department reviewed the percs and gave them a permit for the septic system? Is that correct? What type of septic system would it be?

Mike Morgante: It is an Eljen septic system. It is an in ground system. There were percolations done. It was witnessed by the Health Department. That design was actually done by Pietrazak & Pfau Engineering. We have a letter. We had provided that to the Town. The design is in accordance with the County Department of Health's standards. They are pretty stringent.

James Dorsey: Regarding the lot on the other side, in 1989 John Peruso came running over to my house to tell me that he would sell me this lot that we are talking about for \$13,000.00. That was what it would cost me to replace the septic system. It is not a simple problem. There is an issue there.

Mr. Astorino: It is a huge issue.

James Dorsey: That is a concern of mine. The way my house is angled, my well is approximately 275 feet from the road. Depending on where that septic system is located, it might affect my well.

Mr. Astorino: Mike, please show Mr. Dorsey the map.

Mike Morgante: Looking at the map, as part of the Health Department's approval process, we had to locate all of the neighboring wells within 300 feet of the property. We had to maintain the separation distances from the septic systems to the wells. That has all been addressed.

James Dorsey: Also my concern is the way the house is situated, they would be staring into my bedroom windows.

Mr. Astorino: That septic system has to go into that location as per the Orange County Health Department. Mike, how far is your septic system from the house as of right now? Could that house be shifted forward? Do you have any room to make the separation?

Mr. McConnell: To address the privacy issue.

Mike Morgante: I would have to take a look at it. I could possibly move it forward 20 feet. I have to maintain the 200-foot separation distance to my septic system.

Mr. Bollenbach: How about supplemental screening?

Ms. Little: When we were out at the site visit. We had discussed the screening. There is natural vegetation there now separating your property when we were talking about the house location.

James Dorsey: Right.

Ms. Little: Do you plan on leaving that vegetation?

Mike Morgante: Yes. It is shown on the plan.

Mr. Astorino: That would be in the deed also.

James Dorsey: What happens if the new homeowner wanted to remove that?

Mr. Astorino: Our way of rectifying that is that it would be a deed restriction. It would be in the deed. It follows the property no matter who or when they buy it.

James Dorsey: Ok.

Mr. McConnell: I am wondering if it would be appropriate to require some kind of a bond from the Developer that the screening stays. If they turn around to sell it 6 months after the house is finished and he says he wants to cut it down, there would be a bond in place to replace it.

Mr. Astorino: The only issue with the bond is if the Developer decides to sell it and they go against to whatever is on the map or the deed, unfortunately that would be your issue. I don't know if you could hold the Developer responsible for that.

Mr. McConnell: That is why I would suggest to some limited period time.

Mr. Astorino: What is the period of time?

Mr. McConnell: The Builder is going to have a warranty liability on the house. John, would there be anything we could do that would give this homeowner some comfort for a certain period of time if it would get cut down? There would be some recourse other than him having to go to Court to enforce it.

Mr. Bollenbach: I believe we have several precautions in place on the map notes on the filed map. There would also be a Recorded Declaration that would be picked up in the Title Search and subsequent deeds. People would have actual notice of this restriction. It would also be on the filed map that these buffer areas shall not be removed. There are some cases where we could have some consideration for posting of a bond prior to issuance of a building permit. There is no guarantee that the current owners would be the ones pulling the building

permit or when it is going to be pulled. It would be stated in the Declaration and with the Building Department that a bond would be posted upon the issuance of a building permit.

Mr. McConnell: Right. I know we have had situations before like what we had with a long driveway up on Brady Road. We required a bond for that.

Mr. Astorino: Because they haven't constructed it yet.

Mr. McConnell: This has not been constructed yet either.

Mr. Astorino: Exactly. But, here is the problem. How long would you put up the bond for?

Mr. Bollenbach: It would be during the period when a building permit is open.

Mr. Astorino: I don't think Mr. Dorsey even questioned that. Mr. Dorsey's question was if someone moved in there and they don't like the buffer, they could cut it down. I don't think we could put a bond or guarantee on something for when 5 years down the road the house gets sold that somebody is not going to cut that.

Mr. McConnell: I already said that we cannot guarantee that somebody is not going to cut it. I am talking about the recourse that Mr. Dorsey would have if they did cut it.

Mr. Astorino: That was my opinion. I don't think you could do much unless you go to Building Department and they get cited.

James Dorsey: I know that you were out there yesterday when there was a lot of rain.

Mr. Astorino: Yes.

James Dorsey: If you had been there when there has been really hard rain, you would notice that the single drain does not hold all of that water. Some of it comes off the lot on the other side.

Mr. Astorino: Most of it comes from that lot.

James Dorsey: Some of it comes from that lot itself and gets around. You would have to be careful of how well it gets in there.

Mr. Astorino: That is why we review it. Yesterday when I was out there, it was really raining. Most of the water that I had seen was rolling right down the road in front of the lot. It was going into the basin. Everything made it to the basin. I got out of the truck. I took a look at the basin on one side to the other side. The water was flowing. That issue when it happens in the wintertime you would end up with ice.

James Dorsey: One other thing I would suggest is if you are going to work with that curtain drain or with the drains that I had put in, I would extend it towards the back of the property. If you put that house back that far, you are going to have to clear some stuff out there for a backyard. That water will come across my property and go to my neighbor's property on the other side. He has a lot of water on his side.

Mr. Astorino: He does have a lot of water coming off his property.

James Dorsey: It is coming from the back end of my lot. There was a drain in there. He broke it. That is part of the problem. That whole lot is very wet. My issues are mainly the water and the septic.

Mr. Astorino: Thank you.

Patrick O'Mara: I am the Applicant. The water on Mr. Dorsey's property. He did put in a curtain drain. The water is dumping onto my property. Just like the other neighbor has a drain where that water also dumps onto my property as well. My Engineer and I have seen that. We have come up with a plan to rectify that. By having them dump water onto my property, I am sort of going to bat for them to rectify what they are doing to my property. We are taking that water and bringing it down into the swale and into the riprap then eventually bringing it down to the curtain drains.

Mr. Astorino: We are all aware. We all had done a site visit. We have all seen the drains. We all know that there are drainage issues there. That was one of the biggest concerns we had on the site visit. Our Engineer will review everything to make sure it is adequate for that site. They would also make sure for the same for the neighbors. We don't want to affect it adversely anymore for your lot either. It is for 3 lots together. Water is not running uphill. It is running downhill. We don't want it to run onto the road. That is why we had the site visit. That is why we are where we are. Our Engineer will review what is here. We will make sure it is adequate. Is there anyone else wishing to address the Genius Ventures application?

Robert Long: I live at 10 Cedar Hill Drive. You mentioned the easement where the drainage does go across the street where it goes to my property and my neighbor's property at 12 Cedar Hill Drive. I have been there for 12 years. I never had a problem with the drainage. I understand you want to clean it and maintain it. How would you access it? What type of equipment would you use?

Mr. Astorino: You especially if that fails have a lot to lose. We walked that. If that fails, there would be a lot of water rolling your way. We had seen over there quite a lot of debris. This is a good way to clear the debris. It should be kept clear for your benefit. You are located downhill. Water runs downhill. You are going to get the brunt of it.

Mr. Bollenbach: Mike, could you give a brief summary on how you would maintain that?

Mike Morgante: It would be a combination of really small equipment with a small excavator and a lot of handwork. We would try to stay within that 20-foot wide easement which I would not impact into the neighbor's property as much as possible.

Mr. Astorino: That is something you should also watch out for as well. You are a resident. If that fails, you are right there. Your garage is right there.

Robert Long: As far as accessing it to do that work was our question.

Mr. Astorino: They would go right on the easement.

Robert Long: You mentioned about maintaining it in years to come.

Mr. Astorino: It should be maintained by anyone. If you see some debris by the pipe, pull it out.

Robert Long: Sure.

Mike Morgante: We will also make sure that you are aware of the timeframe on when we would be doing the work.

Robert Long: Ok.

Mr. McConnell: It sounds like we are presented with a situation that if it was in front of us today, we would have delineated on who is responsible. There would be an agreement about it. We don't have that here now.

Mr. Astorino: We don't have that luxury because of the timing on when this was done. If this was done 5 years ago, this conversation wouldn't even have taken place. If there was a failing system or water coming up, everybody in that subdivision would be taxed for it or they would have an HOA to take care of it. That would be how it would be laid out today.

Mr. McConnell: This might be the time for the neighbors to have a conversation about this. Most of them or some of them are impacted by a poorly operating system. It shouldn't be totally up to you. Talk to your neighbors. Try to work this out.

Mr. Astorino: As we had pointed out earlier, I don't know if we will get a comment about it this evening. But there was someone that told Connie about the outfall going to Belcher Road. Quite frankly yesterday, I didn't have the map in front of me. I didn't know the easement. If it is something simple that could be done, I don't know. We would have to take a look at that. I will state it on the record. I don't think this Applicant is responsible for every bit of that drainage. That is a large subdivision. There is a lot of water from everywhere. One applicant should not be responsible for everything.

Mr. McConnell: Neither should this gentleman be responsible either.

Mr. Astorino: If your house is getting flooded, make sure that pipe is open. You have a beautiful home. Don't let it get destroyed.

Robert Long: Thank you.

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

Larry Thorpl: I live at 12 Cedar Hill Drive. I am that neighbor that shares that easement pipe. My neighbor Bob has been there 12 years. I have been there 31 years. Mr. Dorsey and I are the original owners in that subdivision. We have seen a lot. In the 31 years that I have lived there, I have never seen a problem with that drainage pipe. The point is that the houses and Bob's house is elevated much above where that pipe empties. That pipe empties well back away from both of our homes. It has never been an issue or concern. Our concern is that the equipment that comes in the Forsythia bushes that are there happen to be on my side of the property. Who is responsible for taking the Forsythia out?

Mr. Astorino: Do they have to come out?

Larry Thorpl: Probably some of the Forsythia would have to come out.

Mr. Astorino: We looked in the pipe and that pipe that outfalls we had seen it. To me, as long as the pipe is flowing and that stuff needs to be removed then it would need to be removed.

Larry Thorpl: That pipe is flowing.

Mr. Astorino: I know that. I saw the water flowing yesterday.

Larry Thorpl: No matter what you do back there, that will fill in. When those homes were built they brought a bulldozer in with a large blade. When he put it in, he just cleared it. It was huge.

Mr. Astorino: Yes. They had made a huge detention basin.

Larry Thorpl: Yes. Nature is nature.

Mr. Astorino: The problem with nature is nature is that there is maintenance required to stormwater facilities. They are not made to last 100 years without trees growing into them and the outfall. That was why Mr. McConnell eluded to today that in this day and age that would have never happened.

Larry Thorpl: The other point that I want to make is the equipment that would be used would be small equipment.

Mr. Astorino: It would be done as minimal as it could be.

Larry Thorpl: As you walked through it, you could see that it is fully developed. It has been manicured for 31 years. There is no one that wants a 13,000 pound backhoe on their property.

Mr. Astorino: Right. That was what we had discussed at the site visit. We know it is flowing. If there is some debris in there, please try to clean it up the most minimal way you can. That way you would know for the next 30 years that it is going to function.

Larry Thorpl: I know you have been out there and had seen the water flow. Do not minimize the amount of water coming off that side of the street. Do not underestimate as to how much water is coming down. You should pay attention to that. They were having homes built in there. Their septic were destroyed. They did have curtain drains. The septic took that water. There is odor that comes from those homes. As you drove up the street, you had to keep the windows up. That was how bad the odor was. The curb is destroyed. The street is all cracked up. The storm basins had sunk. The Town just came in and filled them all in. That was all from that runoff.

Mr. Astorino: I know exactly what happened out there.

Larry Thorpl: Thank you. You wanted the public's comments. I am telling you that as me being the original guy that lives there is that side of the road has always been an issue with water.

Mr. Astorino: That was why this Board had done a site visit. We have walked on the easement. That was one of the first questions that we knew about. We knew this. This is not new to us.

Ms. Little: The 2 neighbors on either side were kind enough to speak to us.

Mr. Astorino: They let us walk on their property.

Ms. Little: That way we could really get a good sense of what happens out there.

Mr. Astorino: Rest assured that these plans that are here, before anything gets signed or approved, I will say that our Professionals here do a fantastic job.

Larry Thorpl: It is a big responsibility here tonight. It is not only what is on a piece of paper here that looks all pretty and was nicely lined out. It is about water and sewage. You need to pay attention to it.

Mr. Astorino: Yes. Also the septic system was approved by the Orange County Health Department.

Ms. Little: Could the Applicant's professional explain what an Eljen system is? Maybe the folks in the audience are not familiar with that.

Larry Thorpl: That would be great. Thank you.

Mike Morgante: The Eljen system has become more popular in the last 5 to 10 years even though they have been around for about 25 to 30 years. What an Eljen system does is that it works similar to what a conventional septic system does. You are given a larger credit for actual sewage disposal capacity. I think it is 2 s.f. per lineal foot capacity as what you would get out of a conventional pipe system. The Eljen system gets 6 s.f. per lineal foot capacity. There is much more of a capacity in an Eljen system than there is in a conventional stone and pipe system.

Ms. Little: These Eljen systems are frequently used on properties where there are drainage problems. They are much more expensive. They are much more extensive. It is much more of a higher efficiency system that is being installed than a traditional septic system.

Mr. Astorino: Many of the Eljen systems are used on very small lots in Greenwood Lake where you don't have the area. They are not a cheap system. The Eljen system functions properly. That is what we want.

Mike Morgante: There has been a curtain drain placed around the system which has helped to keep that area dry and free of in ground water. Nothing is perfect. But it gives you a high level of comfort that this was reviewed and approved by the Orange County Health Department.

Mr. Astorino: I agree with that. We know that the Orange County Health Department is very stringent. That is where we are at. Is there anyone else wishing to address the Board?

Theresa Long: I live at 10 Cedar Hill drive. I have some pictures to show you. I wanted to show you the damage of the water coming off that side. I will also show you a video on my phone that was taken yesterday with all the rain we had.

Mr. Astorino: I have seen this. I am also the Deputy Commissioner of DPW. Watching this and dealing with it in the winter time is not fun. It is an expense to taxpayers to send trucks up there to sand the icy roads.

Theresa Long: This is getting worse. It is not even clear water. We don't know if it is coming from someone's septic system.

Mr. Astorino: We are aware. If they tie into that system that should carry it and put it right where it belongs and not right down the road destroying the road. Quite frankly, we have patched this. Six months later we are back in the same situation.

Theresa Long: I walk daily through there. I have never seen it patched. Thank you.

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

Mr. McConnell: I wasn't able to make this site visit. A number of years ago when this came in front of us, I was able to make the site visit. My memory was that there was a collection area even further away than what we are talking about here. I think at that point, that one was full of downed trees and debris.

Mr. Astorino: Do you mean up on the top?

Laura Barca: That was on the other side.

Mike Morgante: Yes. That was on the other side.

Mr. McConnell: Was that the one that you were talking about?

Mr. Astorino: That was an "Omit" lot a few years ago that they did. We made them take care of the drainage. We had the same issue but it was running down the road the other way. We had them pipe it somewhere in the same manner.

Mr. McConnell: Right. That wasn't the one where you had the outfall to Belcher Road?

Mr. Astorino: No.

Mr. McConnell: Ok.

Mr. Bollenbach: The outfall was improved on that one as well.

Mr. Astorino: That one was a little easier for that gentleman because it was a short run.

Mr. McConnell: Ok. Thank you.

Mr. Astorino: Do we have any other comments from the public. Let the record show no further public comment. Do any other Board members or Professionals have any comments? Being none, we do have SEQRA to do.

Mr. McConnell makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: Genius Omit Lot Subdivision

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

Whereas, there are other involved agencies pursuant to SEQR, including the Orange County Department of Health, which will make its own SEQR determination if needed, and

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated as last revised on 4/14/18, 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.

Mr. Kennedy makes a motion on the Genius Ventures application, granting Preliminary Approval 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, County of Orange, State of New York.

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

Mr. Astorino: If the Applicant so chooses to waive the Final Public Hearing, I do have a question. Laura & Ted, maybe you could help me out here. We have heard questions about going in and doing minimal clearing. If the Applicant wouldn't mind, you and our Professionals could take a walk out there and decide what needs to be cleared and have a plan in place before the maps are even signed. That way we are all on the same page.

Mr. Bollenbach: Laura, do we call that a pre-construction conference?

Laura Barca: Normally, we would do that after approval is done when they are ready to start construction. I don't see any reason why we can't do it now.

Mr. Astorino: This is not a huge deal. That way everyone here including myself and the Board would know exactly where we are. We will have a plan to the Planning Board's Engineer's specifications. Also, while we are out there we could take a walk on that outfall side. Quite frankly, I don't know what we will find. We will make a call out in the field on that. We will let the Board know about that. I will find out where the map is and the easement is.

Mr. Bollenbach: I was taking a look at Comment #8. We could add to that comment to provide drainage basin outfall mitigation to the Town Planning Board's Engineer's specifications.

Mr. Astorino: Ok. We would have to see what is there.

Mr. McConnell: Mr. Chairman, you also had the Engineer to check the figures.

Mr. Astorino: Yes. That would be with every plan. In this case, it was brought to our attention. I am more than confident that it would be done correctly.

Mr. McConnell: Yes.

Mr. Astorino: I just wanted to make the public aware that even if or when final approval is granted, it does not mean that they could go out tomorrow and start work. It means that there will be conditions that we read this evening and field visits in this case would have to be done before maps are signed and filed; and before the issuance of a building permit. We do have a comment in here that the Applicant will need to provide a Performance Bond and Inspection Fee. As that is being done, we will make sure it is being done properly.

Mr. McConnell: The concern here is that there is quite a history of this particular lot and the subdivision in general. We just want to make sure that when we sign off on it, we are fairly confident that it is not going to be a can of worms for anyone.

Mr. Astorino: We understand that. Does the Applicant wish to waive the Final Public Hearing?

Mike Morgante: Yes. We wish to have the Final Public Hearing waived.

Mr. McConnell makes a motion to waive the Final Public Hearing.

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

Mr. Kennedy makes a motion on the Genius Ventures application, granting Final Approval 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, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on September 19, 2018. Approval is granted subject to the following conditions:

1. OC Planning Department: 05/04/18 possible Indiana Bat habitat onsite (tree clearing can only take place between November 1 and March 31). This information shall be placed on the plans.
2. Sheet 4, Sediment & Erosion Control Note 5 states that the limits of disturbance is 1.1 acres; Applicant should confirm and update to 1.5 to be consistent. Correct typo in note 1 (“Pre-construction”).
3. Drainage improvements discussed at the site inspection are shown on Sheet 3. PB to discuss offsite improvements near 10 Cedar Hill Drive. Drainage improvement location and language have been added to Sheet 2, Drainage Note 1. Provide Drainage Basin Outfall Mitigation to Planning Board Engineer’s specification.
4. Since this home is located within the Ridgeline Overlay District, the applicant should clarify if a 25-ft home will be constructed or if line of sight drawing will be submitted to possibly allow for a 35-ft home.
5. A note should be added to the plan stating that the Applicant will notify the homeowners on that border the drainage easement proposed to be cleaned.
6. A note should be added to the plan stating that the homeowner will maintain the proposed riprap, including any necessary removal from Cedar Hill Drive and any necessary new installation of new riprap material.
7. Applicant to provide calculations demonstrating the use of 4” dia. riprap and the 12” riprap layer thickness. Also confirm if 4” dia. riprap refers to the d50 size.
8. Applicant to clarify if the 2 swales that discharge into the riprap area are also to be lined (riprap) or vegetated, and include notes regarding their maintenance.
9. Applicant to confirm if the 4” dia. plastic drain lines that discharge to the riprap area are solid or perforated pipe.
10. Applicant to specify the type of filter cloth the contractor is allowed to use in lieu of 6” gravel bedding layer beneath the riprap. It should be in accordance with the NYSDEC Standards and Specs for Erosion Control.

11. 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 2, map notes)
12. The declaration information for the Ridgeline Overlay district, maintaining the vegetative buffers (Sheet 3, Note 4), owner maintenance of riprap, and time of tree clearing (Indiana Bats) shall be added to the plans.
13. Provide Performance Bond and Inspection Fees for the drainage easement improvements proposed.
14. Payment of parkland fees per §75-3.A(2)(a)(3) for one lot.
15. Payment of all fees.

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

Mr. Astorino: Get in touch with Laura ASAP. We will get a plan together and go out there.

Mike Morgante: Ok. Thank you.

PUBLIC HEARING OF John A. Wright, Jr.

Application for Final Approval of a proposed 2-Lot (Minor) subdivision, situated on tax parcel S 35 B 1 L 56.22; parcel located on the northern side of Kings Hwy 1820 feet west of Airport Road (329 Kings Highway), in the SL zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Karen Emmerich from Lehman & Getz Engineering.

Connie Sardo: Mr. Chairman, we have received the certified mailings for the Wright Farm Subdivision 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 – 06/18/18 advisory for parcel fragmentation with a second “land locked” parcel
6. TW Building Department – 06/11/18 no violations
7. OCDPW – 08/01/18 approval letter
8. A note must be added to the plan stating that the Town Board accepted 35-1-56.22 into the Agricultural Protection Overlay (AP-O) district on June 15, 2018 with Resolution #R2018-204.
9. All existing structures must be shown on the plan.
10. Surveyor to certify that iron rods have been set at all property corners.
11. Payment of lieu of parkland fees per §75-3.A(2)(a)(3) for one lot.
12. Payment of all fees.

The following comment submitted by the Conservation Board:

John A. Wright, Jr. – No Comment.

The following comment submitted by the ARB:

John A. Wright, Jr. – No Comment.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has already declared itself Lead Agency on this. It is an Unlisted Action. We have been reviewing this project with a short EAF. There were a couple of SEQRA issues. It is located within the Town’s AP-O District. This was in compliance with a Zoning issue because it is for a one lot approval under the old Zoning Regulations. The farming parcel itself was within the AP-O District area. It is eligible for that. The Ag Protection notes have been placed on the subdivision plans. It is also located within the AQ-O District. The Aquifer Protection notes have been placed on the plans. The only other thing is the Town’s RL-O District which appears on a portion of the property but

not the portion of the property that is subject to this subdivided lot. The remainder of the lot is a farm parcel. It is protected through the Town's Purchase of Development Rights program (PDR).

Comment #2: Applicant to discuss project.

Karen Emmerich: We have a 119-acre parcel on Kings Highway that fronts on Kings Highway. It is the Wright Family Farm. We are taking a 1.5-acre parcel off that property for the construction of a one single-family dwelling.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 06/18/18 advisory for parcel fragmentation with a second “land locked” parcel

Comment #6: TW Building Department – 06/11/18 no violations

Comment #7: OCDPW – 08/01/18 approval letter

Comment #8: A note must be added to the plan stating that the Town Board accepted 35-1-56.22 into the Agricultural Protection Overlay (AP-O) district on June 15, 2018 with Resolution #R2018-204.

Karen Emmerich: Will do.

Comment #9: All existing structures must be shown on the plan.

Karen Emmerich: I thought we had everything. Are we missing something?

Laura Barca: I don't think the original farmhouse is on there. Is it on there now?

Karen Emmerich: You are right. Ok. We will take care of that.

Comment #10: Surveyor to certify that iron rods have been set at all property corners.

Karen Emmerich: Ok.

Comment #11: Payment of parkland fees per §75-3.A(2)(a)(3) for one lot.

Karen Emmerich: Ok.

Comment #12: Payment of all fees.

Karen Emmerich: We are aware of that.

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

Mr. Bollenbach: We need to add a Comment #13, provide Declaration information for the AP-O and AQ-O.

Mr. Astorino: Ok. This is a Public Hearing. If there is anyone in the audience wishing to address the Wright Farm Subdivision application, please rise and state your name for the record.

Andrew Lions: I live on 15 Mountain View Drive. We are trying to figure out where the lot is going to be separated out in accordance to where everybody else is situated.

Karen Emmerich: Looking at the map, it will be located right here. This is the existing entrance road to the farm. There is a house located here. This will be the created new lot.

Mr. Bollenbach: Where is the playground for the goats?

Karen Emmerich: Looking at the map, the goats are located right here.

Mr. Bollenbach: That would give you a little perspective as to where the location is.

Andrew Lions: Ok. We were just trying to figure out where it was. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Wright Farm Subdivision application. Let the record show no further public comment. Do any Board members or Professionals have any comments? There are no comments from the Board or Professionals.

Mr. Kennedy 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: Wright 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 other involved agencies pursuant to SEQR, including the Orange County Department of Public Works, which will make its own SEQR determination if needed, and

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 5/25/18, 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 John A. Wright, Jr., application granting Final Approval of a proposed 2-Lot subdivision, situated on tax parcel S 35 B 1 L 56.22; parcel located on the northern side of Kings Hwy 1820 feet west of Airport Road (329 Kings Hwy), in the SL zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on September 19, 2018. Approval is granted subject to the following conditions:

1. OCDPW – 08/01/18 approval letter
2. A note must be added to the plan stating that the Town Board accepted 35-1-56.22 into the Agricultural Protection Overlay (AP-O) district on June 15, 2018 with Resolution #R2018-204.
3. All existing structures must be shown on the plan.
4. Surveyor to certify that iron rods have been set at all property corners.
5. Payment of lieu of parkland fees per §75-3.A(2)(a)(3) for one lot.
6. Provide Declaration for AQ-O and AP-O with Map Notes.
7. Payment of all fees.

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

Karen Emmerich: Thank you.

Review of Submitted Maps:***Francisco & Regina Pedro***

Application for Site Plan Approval for the construction and use of a two-story addition including an attached two-car garage and alterations to existing two-story residence, located within “A Designated Protection Area” of Greenwood Lake, situated on tax parcel S 72 B 4 L 8; project located on the southeastern side of Jersey Avenue 1000 feet south of Lake Trail (438 Jersey Ave.), in the SM Zone, of the Town of Warwick, County of Orange, State of New York. Previously discussed at the PB Meeting of 7/18/18. ***Public Hearing was closed on 7/18/18.***

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Jonathon Hodosh, Architect. Francisco Pedro, Applicant.

The following 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 – 04/18/18 need ZBA variances and should add low impact stormwater measures to account for the overall increase in square footage of building size
6. The surveyor must sign and seal the plans.
7. The plan shows that retaining walls will be removed but there is no proposed grading shown to demonstrate how the proposed driveway and garage elevations will tie into the surrounding ground elevations. Applicant to clarify.
8. 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 16)
9. Surveyor to certify that iron rods have been set at all property corners.
10. Payment of all fees.

The following comment submitted by the Conservation Board:

Francisco & Regina Pedro – None submitted.

The following comment submitted by the ARB:

Francisco & Regina Pedro – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has declared itself Lead Agency on this application. It is an Unlisted Action. We have been reviewing this application with the short EAF. The only issues were the drainage and the dye tests. Both of those issues have been done. Drainage issues have been addressed with erosion control measures on the plan. The dye

tests were done by the Applicant's Engineer. It has been certified that there were no issues with the dye tests. Those were the only issues under SEQRA. I have prepared a draft Negative Declaration for the Planning Board's consideration.

Comment #2: Applicant to discuss project.

Dave Getz: You know about this project.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 04/18/18 need ZBA variances and should add low impact stormwater measures to account for the overall increase in square footage of building size

Mr. Astorino: Laura, are we ok with that?

Mr. Bollenbach: That has been addressed. We could strike Comment #5.

Laura Barca: Yes.

Comment #6: The surveyor must sign and seal the plans.

Dave Getz: We will provide that.

Comment #7: The plan shows that retaining walls will be removed but there is no proposed grading shown to demonstrate how the proposed driveway and garage elevations will tie into the surrounding ground elevations. Applicant to clarify.

Dave Getz: We will do that. Could it be done at the time of a building permit? He will be providing architectural drawings showing that. It all kind of melts together.

Jonathon Hodosh: The foundation for the garage would be near the retaining wall because of the proximity of the property line.

Laura Barca: Both of them would be happening at the same time. Is that correct?

Jonathon Hodosh: Yes.

Dave Getz: We show how it is located now. We just don't show those structural details.

Laura Barca: Right. That does get into something that normally doesn't happen. It is because the lots are small.

Mr. Astorino: The issue is that you need to verify that it would be done correctly.

Ms. Little: Right.

Mr. Astorino: I don't want to let that go to the Building Department and it would get lost in the process.

Mr. Bollenbach: Why don't we have the Applicant to clarify the Engineer's specifications?

Mr. Astorino: That would be fine. I just don't want it to get lost in the building permit stage.

Dave Getz: Ok.

Comment #8: 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 16)

Dave Getz: Ok.

Comment #9: Surveyor to certify that iron rods have been set at all property corners.

Dave Getz: Ok.

Comment #10: Payment of all fees.

Dave Getz: Fine.

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

Mr. Bollenbach: Dave, could you read the map note relating to the agreement for the maintenance of common retaining walls and also regarding a temporary construction easement?

Dave Getz: We didn't designate an actual width of an easement. On that issue, that is at the northern side of the property where the garage is being constructed. The property line is very close to the garage. The neighbor's driveway actually extends onto Mr. Pedro property. It is a tight area. We had provided a notarized letter signed by the neighbor and by Mr. Pedro where they have both acknowledged that work would be done. The neighbor acknowledges that Mr. Pedro has the right to go onto his property as needed temporarily during construction. Mr. Pedro indicates in the letter that he would restore all areas.

Mr. Bollenbach: Maybe we could add a map note someplace in the General Notes that agreements between Pedro and the Adjoiner have been provided and they are on file in the Planning office regarding the maintenance of the common retaining walls and the temporary construction easement. Just to have something general so that we have that on file. I have reviewed them. They are adequate.

Dave Getz: Ok. Thank you.

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: Pedro House Renovations

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed single-family house renovation on Greenwood Lake, Town of Warwick, Orange County, New York, and

Whereas, there are other involved agencies pursuant to SEQR, including the New York State Department of Transportation, which will make its own SEQR determination if needed, and

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated as last revised on 8/23/18, 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.

Ms. Little makes a motion on the Francisco and Regina Pedro application, granting Site Plan Approval for the construction and use of a two-story addition including an attached two-car garage and alterations to existing two-story residence, located within "A Designated Protection Area" of Greenwood Lake, situated on tax parcel S 72 B 4 L 8; project located on the southeastern side of Jersey Avenue 1000 feet south of Lake Trail (438 Jersey Ave.), in the SM zone, of the Town of Warwick, County of Orange, State of New York. A Type 2 Action was adopted on July 18, 2018. Approval is granted subject to the following conditions:

1. The surveyor must sign and seal the plans.
2. The plan shows that retaining walls will be removed but there is no proposed grading shown to demonstrate how the proposed driveway and garage elevations will tie into the surrounding ground elevations. Applicant to clarify.
3. 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 16)
4. Surveyor to certify that iron rods have been set at all property corners.
5. Provide Map Notes Re: Temporary construction easement and maintenance of common retaining walls.
6. Payment of all fees.

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

Round Hill Subdivision Sectionalizing Plan

Application for Preliminary Approval for filing a 19-Lot + 1-Ag Lot Cluster subdivision in Sections and Application for Final Approval for Section I to consist of a proposed 7-Lot Cluster subdivision, situated on tax parcel S 7 B 2 L 51.1, parcel located along the northerly side of Wheeler Road between Meadow Road and Hunt Drive, in the RU zone, of the Town of Warwick. Original conditional Final Approval was granted on 10/18/06.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Jim Mezzetti, Applicant.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board: 09/18/18 recommended that all open space be dedicated in Section 1, including Black Dirt Architectural Review Board
4. OCPD: pending comments
5. OCDOH: Applicant to clarify status of project with Orange County Department of Health.
6. OCDPW: The Applicant should clarify the status of the project with Orange County DPW.
7. PB to determine if a site inspection is desired.
8. Applicant to clarify if more than two sections are proposed. Each section must be called out on the overall sectioning plan.
9. The applicant shall insert and update all applicable Town of Warwick Standard Map Notes that apply to this subdivision including but not limited to Town of Warwick Overlay Protection Districts, Utilities, Limit of Disturbance, Lighting, Private Road Notes (including Maintenance Agreements), Driveway Notes, and Stormwater Management Facility Maintenance.
10. The applicant to confirm the 9-1-1 addresses on Sheet 1.
11. Applicant to add the location and description/details of outdoor lighting in accordance with Section 164-43.4.
12. The turnaround at the end of Section 1 must be created to provide suitable, safe, and prudent access for emergency vehicles, similar to §137-21.K(2)(a)[1].
13. Applicant to clarify who the responsible entity will be for maintenance of the post-construction stormwater management features.
14. Confirm if tree protection will be implemented within the areas of proposed development. Include detail if yes.
15. Identify locations of soil stockpiles to be used on site.
16. Confirm if rock outlet protection is being installed at the pipe outfalls from the bioretention basins overflow structures. A stable outfall is called out on the detention pond detail on sheet 14 of 14. Provide rock size and layer dimensions, and include this feature under NOI question #26.
17. Include construction stormwater sequence on the drawings. The sequence should identify construction phasing to demonstrate that no more than 5 acres will be disturbed at a given time, and also that temporary grades will provide positive drainage to erosion control and stormwater management measures as designed.
18. Identify on the plans how the conservation areas will be delineated under proposed conditions (post-construction).

19. Condition of Final Approval #1: Provide additional landscape buffer along the westerly line of proposed Lots 1 through 4, to the Town Planner's specifications. Provide a map note for plantings to be installed prior to the issuance of Certificate of Occupancy.
20. CFA #2: From the area of proposed Lot 6 noted on the plans as "Remaining Lands – Black Dirt Area", create a new lot to the limits of the black dirt area. Remove note on plans alluding to potential combination with adjoining parcels and add note, "Agricultural Use Permitted Only – No Residential Use." As per §164-41.1D, no additional dwelling units are permitted. Revise access easement and other references.
21. CFA #3: Proposed construction of the town road (Kaylei Way) shall comply with revised §A168, including subgrade testing and pavement design. Testing of the subgrade shall comply with §A168-10D. Complete test results, along with a plan showing the locations of tests, and design calculations for the pavement, signed and sealed by a NY licensed Professional Engineer, shall be submitted to the Town's Engineer for review and approval prior to beginning construction of the town road. Provide a map note.
22. CFA #4: Add the following note to the plans: "No building permits, except for two model homes, shall be issued for construction of residences on lots fronting on and with access from the proposed road shown on this map until all public improvements are installed or bonded pursuant to §137-11 of the Warwick Town Code. Further, no certificates of occupancy shall be issued on said lots until all public improvements are completed and accepted by the Town Board. Until such acceptance, the model homes are not to be sold."
23. CFA #5: Applicant and Board to discuss use and location of a temporary trailer office for construction and/or sales, per §164-43D.
24. CFA #6: Applicant to provide irrevocable offer for 25 foot wide right-of-way strip for Wheeler Road for Town Board acceptance.
25. CFA #7: Provide a detail for erosion control at the discharge end of the 7'x3' box culvert, consistent with the *NYSDEC Standards & Specifications for Erosion and Sediment Control*.
26. CFA #8: Provide an existing condition analysis for the 1-year storm event.
27. CFA #9: Revise number of acres for existing drainage basin N0. 3 under Section V in the engineer's report for consistency in the narrative.
28. CFA #10: Show pipe capacity calculations for the existing culvert running under Wheeler Road under proposed drainage basin No. 1.
29. CFA #11: How is stormwater runoff being treated at proposed basin No. 1 and No. 2 for Water Quality? There is an increase in the impervious areas within these drainage areas. Consider the use of rain gardens.
30. CFA #12: Revise invert elevation at the Outlet Structure detail for consistency with the report.
31. CFA #13: Submit a signed and sealed structural design for the proposed 7'x3' box culvert for the Town Engineer's review and approval.
32. The minutes from the October 18, 2006 planning board meeting (Page 5 of 71, near the top) indicates that the stormwater basin will be maintained by the individual lot owner. As stated in the Town's Conditional Final Approval letter, dated October 19, 2006, the Town will have a backup drainage district (condition #15).
33. The minutes from the October 18, 2006 planning board meeting (pages 6-7 of 71) discuss landscaping requirements.
34. Provide a legal description of the proposed conservation areas in Section 1.
35. CFA #14: Provide the declaration and the recording information on the plans for Agricultural Notes, Aquifer Protection Overlay Notes, Open Space Conservation, and Maintenance of Stormwater Management Facilities Notes.
36. CFA #15: Applicant to obtain Town Board approval/acceptance:
 - a. Back-up drainage facility maintenance tax district creation.

- b. Irrevocable offer of dedication for easements for associated drainage facilities.
 - c. Irrevocable offer of dedication for Town road (Kaylei Way).
37. CFA #16: Surveyor to certify that iron rods have been set at all property corners.
38. CFA #17: Pay Performance Bond and Site Inspection Fee for public improvements (Town road, stormwater management facilities, erosion control). Provide a three-year Landscape Bond.
39. CFA #18: Payment of Recreational Fees for 7 lots in Section 1 (20 Lots total).
40. CFA #19: Payment of all fees.

The following comment submitted by the Conversation Board, dated 9/18/18:

Round Hill Subdivision Sectionalizing Plan – There is concern regarding the sectionalization of the open space. It is recommended that the initial section be used to dedicate all open space, including black dirt.

The following comment submitted by the ARB:

Round Hill Subdivision Sectionalizing Plan – No comment.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This application was reviewed quite extensively by the Planning Board as Lead Agency under SEQRA. It was a Type 1 Action. An extended EAF was originally submitted with this. Back in the year 2006, the Planning Board had issued a Negative Declaration. Given the period of time that had lapsed, I had asked the Applicant if they would update their EAF. The Applicant had updated their EAF. There were a couple of minor questions that were not answered. As far as SEQRA issues, there were only 2 things that I had seen. One issue was that there is an indication that there is an endangered or threatened species called the Northern Harrier Bird. Dave, do you know anything about that? Have you been in contacted with the State about that to see if there are any guidelines like they do with the bats?

Dave Getz: No. Not yet.

Mr. Fink: Ok.

Jim Mezzetti: What is it called?

Mr. Fink: It is called the Northern Harrier Bird. The other issue was regarding the wetlands. There are no DEC wetlands or anything like that. There are ACOE wetlands shown on the plan. I don't remember when originally you received a JD on this. I didn't go back to the original files to check this.

Dave Getz: I don't know. We were not the original Engineers on this project.

Mr. Fink: It was Pietrazak & Pfau Engineering back then. They might have used Mike Nowicki on this.

Mr. Astorino: It was done back then.

Mr. Bollenbach: Ted, if the Board is contemplating Preliminary Approval in Sections, could the Board go ahead now or do these SEQRA issues have to be resolved first? Could those SEQRA issues be resolved prior to granting conditional Final Approval for Section I?

Mr. Fink: One of the wetlands was adjacent to one of the lots that is proposed in Section I. That was one of the reasons why I have brought it up this time. It is to see what the status is of the ACOE as to whether or not they had issued a JD or even if they had it back at that time. I don't know. That happened about 12 years ago.

Mr. Astorino: With that being said, is that affecting the lot? Nothing has changed.

Mr. Fink: It is located in the Conservation area. Nothing has changed. Looking at the map, it is located at the bottom right in the yellow area. That is the Conservation area. The area will be protected within that area. Dave, as far as you know that area has not changed. Is that correct?

Dave Getz: Correct.

Mr. Fink: The only thing with the Norther Harrier Bird there was a nesting or something happening in a local area. I didn't know if there was any further available information on that.

Mr. Astorino: We will check on that.

Ms. Little: I am checking on that right now. It states that they nest on the ground. On the NYSDEC page there are no specifications as to what exactly the concern is.

Mr. Fink: Ok.

Ms. Little: It does not state what the restrictions are just like with the Indiana Bats on when you could only clear cut during winter months. There seems to be no indication about what the responsibility is for that.

Jim Mezzetti: That property is still being hayed. If they are located on the ground, then that is a problem.

Mr. McConnell: They are not ground nesting at all.

Mr. Bollenbach: Yes. They are ground nesting. Chris had just stated that.

Mr. McConnell: The Harrier Birds are ground nesters. Is that correct?

Ms. Little: Yes. They are ground nesters.

Mr. McConnell: I stand corrected.

Mr. Astorino: Ok. Ted, do we have anything else on SEQRA?

Mr. Fink: No. But, the only thing is that there were some questions on the EAF that were not answered. They were minor questions. We could go over them.

Mr. Astorino: Let's go over them.

Mr. Fink: Will the proposed action generate new or additional demand for energy? The answer should be yes. The question was not answered.

Dave Getz: Are we comparing this to the previous plan or are we comparing it to the unbuilt condition?

Mr. Fink: This is the same as the previous plan.

Dave Getz: Ok. The answer would be yes.

Mr. Fink: The other unanswered question in the EAF is, will the proposed action use pesticides, herbicides, and insecticides during construction of operation?

Dave Getz: No.

Mr. Fink: Ok. I think that was it. It did ask for the size of the wetlands. But, it is located in the Conservation area. That I think is not really important. The only issue was the Northern Harrier Bird.

Mr. Astorino: Ok. We could make a comment to put a note on the plans on for any restrictions regarding the Northern Harrier Bird. I don't believe there are any since we just checked the website.

Comment #2: Applicant to discuss project.

Dave Getz: The overall project has a loop road that goes all the way around that have 2-exits on Wheeler Road. Looking at the map, the proposed 1st Phase here includes 5 new residential lots. The green area is a proposed Conservation area. These other outlines the green areas are future Conservation areas.

Mr. Astorino: You are also cutting off a lot. Is that correct?

Dave Getz: Yes. This is a 5-acre lot with an existing home on it. We mentioned that Section I would consist of 7 Lots. There are 5-proposed Lots with one existing lot and the last lot is black dirt located way in the back. The plans before you has the exact same road layout, lot layout, and house, septic and well to what was approved back in 2006. The only outside Agency that caused us to redesign things was the NYSDEC with the stormwater management.

Mr. Astorino: You have brought them up to the new Regulations? Is that correct?

Dave Getz: Yes.

Mr. Astorino: Essentially, they are better now than what it was in 2006 in the DEC eyes. Is that correct?

Dave Getz: Yes.

Comment #3: Conservation Board: 09/18/18 recommended that all open space be dedicated in Section 1, including Black Dirt

Laura Barca: All open space be dedicated in Section I.

Comment #4: Architectural Review Board

Comment #5: OCPD: recommended that all open space be dedicated in Section 1, including Black Dirt

Mr. Astorino: It will be.

Comment #6: OCDOH: Applicant to clarify status of project with Orange County Department of Health.

Dave Getz: We will show them the latest plans. Because we are not changing anything from what they had approved before, we expect to get a letter from them quickly.

Comment #7: OCDPW: The Applicant should clarify the status of the project with Orange County DPW.

Dave Getz: There are no reviews or approvals needed.

Mr. Astorino: OCDPW is not involved with this. We can strike Comment #7.

Comment #8: PB to determine if a site inspection is desired.

Mr. Astorino: The only reason for this is that the Applicant had brought up since 12-years ago since it was approved there were some plantings on the one side. Apparently those trees have grown now from where they were 12 years ago. I don't think the whole Board needs to go out there and look at a stonewall for this unless they desire to. We will add to that comment to the Town Planner's specifications.

Mr. Bollenbach: Comment #8, we will add provide screening to the Town Planner's specifications.

Comment #9: Applicant to clarify if more than two sections are proposed. Each section must be called out on the overall sectioning plan.

Dave Getz: Yes. I believe it will be 4-Sections. We will clarify that.

Comment #10: The applicant shall insert and update all applicable Town of Warwick Standard Map Notes that apply to this subdivision including but not limited to Town of Warwick Overlay Protection Districts, Utilities, Limit of Disturbance, Lighting, Private Road Notes (including Maintenance Agreements), Driveway Notes, and Stormwater Management Facility Maintenance.

Dave Getz: Ok.

Mr. Bollenbach: Add to that comment, and the Norther Harrier notes.

Comment #11: The applicant to confirm the 9-1-1 addresses on Sheet 1.

Dave Getz: Ok.

Comment #12: Applicant to add the location and description/details of outdoor lighting in accordance with Section 164-43.4.

Dave Getz: Ok.

Comment #13: The turnaround at the end of Section 1 must be created to provide suitable, safe, and prudent access for emergency vehicles, similar to §137-21.K(2)(a)[1].

Dave Getz: Laura, we show a hammerhead. Do we need to lengthen that?

Mr. Bollenbach: That is a condition. You will need to show it. You will need to show that emergency vehicles could turn around.

Dave Getz: Ok.

Comment #14: Applicant to clarify who the responsible entity will be for maintenance of the post-construction stormwater management features.

Jim Mezzetti: That would be the responsibility of the homeowner of the property.

Comment #15: Confirm if tree protection will be implemented within the areas of proposed development. Include detail if yes.

Dave Getz: Yes.

Comment #16: Identify locations of soil stockpiles to be used on site.

Dave Getz: Yes.

Mr. Astorino: Laura, the rest of these comments look like stormwater comments. Is that correct?

Laura Barca: Comment #17, 18, & 19 relate to stormwater. The project had to be updated to today's stormwater. Comment #20 starts with their conditional final approval #1. It comes from their 2006 conditional final approval which are Comment #20 through #32 and Comment #36 through Comment #41.

Mr. Bollenbach: Comment #36, we need to add to that comment, and for Northern Harrier Bird protection.

Dave Getz: Regarding those conditions from 2006 Resolution, I think HDR is still reviewing the SWPPP and plans. Laura, is that correct? I think we have addressed many of those conditions?

Laura Barca: I think you have what we did. We reviewed it as what you had presented to us. We didn't yet go through those old comments to see if they are even relevant.

Dave Getz: Ok.

Mr. Bollenbach: They are conditions of the approval.

Mr. Astorino: We will identify the rest of these comments for the record. But these are all the comments that were there. Some of them may be modified due to the current time that we are in now. We will list Comment #17 through Comment #41 for the record. Dave, do you have any questions on any of these?

Dave Getz: We will work them out with Laura.

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

Mr. Bollenbach: It would be for Preliminary Approval in Sections for Section 1, 2, 3, and 4.

Mr. Astorino: It would be for Preliminary Approval in Sections for Section I, 2, 3, and 4. Is that correct?

Mr. Bollenbach: Yes.

Mr. Astorino: Then, it would be conditional Final Approval for Section I. Is that correct?

Mr. Bollenbach: Yes. Does the Applicant wish to waive the Preliminary public hearing?

Dave Getz: Yes.

Ms. Little makes a motion to waive the Preliminary Public Hearing on the Sectionalizing Plan.

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

Mr. McConnell makes a motion on the Round Hill Subdivision Sectionalizing Plan, granting Preliminary Approval for filing a 19-Lot + 1-Ag Lot Cluster subdivision in Sections, situated on tax parcel S 7 B 2 L 51.1; parcel located along the northerly side of Wheeler Road between Meadow Road and Hunt Drive, in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on October 18, 2006.

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

Mr. Bollenbach: Does the Applicant wish to waive the Final Public Hearing for Section I?

Dave Getz: Yes.

Mr. McConnell: Since this has been since 2006 and I know the economy has been soft in this period of time. Has there been much change with people or new buildings out there that did not have the opportunity to hear about this or attend the public hearing? My impression would be no. There has not been that much of a change in that part of the town.

Jim Mezzetti: That subdivision has been there from day one.

Mr. Astorino: This subdivision has not changed.

Mr. McConnell: I understand that. I just wanted to know if there was a new subdivision out there that did not have the opportunity to hear about this.

Mr. Astorino: I agree.

Mr. McConnell makes a motion to waive the Final Public Hearing.

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

Mr. Kennedy makes a motion on the Round Hill Subdivision Sectionalizing Plan application, granting Final Approval for Section I to consist of a proposed 7-Lot Cluster subdivision, situated on tax parcel S 7 B 2 L 51.1; parcel located along the northerly side of Wheeler Road between Meadow Road and Hunt Drive, in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on October 18, 2006. Approval is granted subject to the following conditions:

1. OCPD: 9/18/18 recommended that all open space be dedicated in Section 1, including Black Dirt.
2. OCDOH: Applicant to clarify status of project with Orange County Department of Health.
3. Provide Screening/Street Trees to Town Planner's specifications.
4. Applicant to clarify if more than two sections are proposed. Each section must be called out on the overall sectioning plan.
5. The applicant shall insert and update all applicable Town of Warwick Standard Map Notes that apply to this subdivision including but not limited to Town of Warwick Overlay Protection Districts, Utilities, Limit of Disturbance, Lighting, Private Road Notes (including Maintenance Agreements), Driveway Notes, and Stormwater Management Facility Maintenance plus Northern Harrier Protection Notes.
6. The applicant to confirm the 9-1-1 addresses on Sheet 1.
7. Applicant to add the location and description/details of outdoor lighting in accordance with Section 164-43.4.
8. The turnaround at the end of Section 1 must be created to provide suitable, safe, and prudent access for emergency vehicles, similar to §137-21.K(2)(a)[1].
9. Applicant to clarify who the responsible entity will be for maintenance of the post-construction stormwater management features.
10. Confirm if tree protection will be implemented within the areas of proposed development. Include detail if yes.
11. Identify locations of soil stockpiles to be used on site.
12. Confirm if rock outlet protection is being installed at the pipe outfalls from the bioretention basins overflow structures. A stable outfall is called out on the detention

- pond detail on sheet 14 of 14. Provide rock size and layer dimensions, and include this feature under NOI question #26.
13. Include construction stormwater sequence on the drawings. The sequence should identify construction phasing to demonstrate that no more than 5 acres will be disturbed at a given time, and also that temporary grades will provide positive drainage to erosion control and stormwater management measures as designed.
 14. Identify on the plans how the conservation areas will be delineated under proposed conditions (post-construction).
 15. Condition of Final Approval #1: Provide additional landscape buffer along the westerly line of proposed Lots 1 through 4, to the Town Planner's specifications. Provide a map note for plantings to be installed prior to the issuance of Certificate of Occupancy.
 16. CFA #2: From the area of proposed Lot 6 noted on the plans as "Remaining Lands – Black Dirt Area", create a new lot to the limits of the black dirt area. Remove note on plans alluding to potential combination with adjoining parcels and add note, "Agricultural Use Permitted Only – No Residential Use." As per §164-41.1D, no additional dwelling units are permitted. Revise access easement and other references.
 17. CFA #3: Proposed construction of the town road (Kaylei Way) shall comply with revised §A168, including subgrade testing and pavement design. Testing of the subgrade shall comply with §A168-10D. Complete test results, along with a plan showing the locations of tests, and design calculations for the pavement, signed and sealed by a NY licensed Professional Engineer, shall be submitted to the Town's Engineer for review and approval prior to beginning construction of the town road. Provide a map note.
 18. CFA #4: Add the following note to the plans: "No building permits, except for two model homes, shall be issued for construction of residences on lots fronting on and with access from the proposed road shown on this map until all public improvements are installed or bonded pursuant to §137-11 of the Warwick Town Code. Further, no certificates of occupancy shall be issued on said lots until all public improvements are completed and accepted by the Town Board. Until such acceptance, the model homes are not to be sold."
 19. CFA #5: Applicant and Board to discuss use and location of a temporary trailer office for construction and/or sales, per §164-43D.
 20. CFA #6: Applicant to provide irrevocable offer for 25 foot wide right-of-way strip for Wheeler Road for Town Board acceptance.
 21. CFA #7: Provide a detail for erosion control at the discharge end of the 7'x3' box culvert, consistent with the *NYSDEC Standards & Specifications for Erosion and Sediment Control*.
 22. CFA #8: Provide an existing condition analysis for the 1-year storm event.
 23. CFA #9: Revise number of acres for existing drainage basin N0. 3 under Section V in the engineer's report for consistency in the narrative.
 24. CFA #10: Show pipe capacity calculations for the existing culvert running under Wheeler Road under proposed drainage basin No. 1.
 25. CFA #11: How is stormwater runoff being treated at proposed basin No. 1 and No. 2 for Water Quality? There is an increase in the impervious areas within these drainage areas. Consider the use of rain gardens.
 26. CFA #12: Revise invert elevation at the Outlet Structure detail for consistency with the report.
 27. CFA #13: Submit a signed and sealed structural design for the proposed 7'x3' box culvert for the Town Engineer's review and approval.
 28. The minutes from the October 18, 2006 planning board meeting (Page 5 of 71, near the top) indicates that the stormwater basin will be maintained by the individual lot owner.

- As stated in the Town's Conditional Final Approval letter, dated October 19, 2006, the Town will have a backup drainage district (condition #15).
29. The minutes from the October 18, 2006 planning board meeting (pages 6-7 of 71) discuss landscaping requirements.
 30. Provide a legal description of the proposed conservation areas in Section 1.
 31. CFA #14: Provide the declaration and the recording information on the plans for Agricultural Notes, Aquifer Protection Overlay Notes, Open Space Conservation, and Maintenance of Stormwater Management Facilities Notes and Norther Harrier Protection.
 32. CFA #15: Applicant to obtain Town Board approval/acceptance:
 - a. Back-up drainage facility maintenance tax district creation.
 - b. Irrevocable offer of dedication for easements for associated drainage facilities.
 - c. Irrevocable offer of dedication for Town road (Kaylei Way).
 33. CFA #16: Surveyor to certify that iron rods have been set at all property corners.
 34. CFA #17: Pay Performance Bond and Site Inspection Fee for public improvements (Town road, stormwater management facilities, erosion control). Provide a three-year Landscape Bond.
 35. CFA #18: Payment of Recreational Fees for 7 lots in Section 1 (20 Lots total).
 36. CFA #19: Payment of all fees.

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

Dave Getz: Thank you.

Jim Mezzetti: Thank you.

Comment #17: Confirm if rock outlet protection is being installed at the pipe outfalls from the bioretention basins overflow structures. A stable outfall is called out on the detention pond detail on sheet 14 of 14. Provide rock size and layer dimensions, and include this feature under NOI question #26.

Comment #18: Include construction stormwater sequence on the drawings. The sequence should identify construction phasing to demonstrate that no more than 5 acres will be disturbed at a given time, and also that temporary grades will provide positive drainage to erosion control and stormwater management measures as designed.

Comment #19: Identify on the plans how the conservation areas will be delineated under proposed conditions (post-construction).

Comment #20: Condition of Final Approval #1: Provide additional landscape buffer along the westerly line of proposed Lots 1 through 4, to the Town Planner's specifications. Provide a map note for plantings to be installed prior to the issuance of Certificate of Occupancy.

Comment #21: CFA #2: From the area of proposed Lot 6 noted on the plans as "Remaining Lands – Black Dirt Area", create a new lot to the limits of the black dirt area. Remove note on plans alluding to potential combination with adjoining parcels and add note, "Agricultural Use Permitted Only – No Residential Use." As per §164-41.1D, no additional dwelling units are permitted. Revise access easement and other references.

Comment #22: CFA #3: Proposed construction of the town road (Kaylei Way) shall comply with revised §A168, including subgrade testing and pavement design. Testing of the subgrade shall comply with §A168-10D. Complete test results, along with a plan showing the locations of tests, and design calculations for the pavement, signed and sealed by a NY licensed Professional Engineer, shall be submitted to the Town's Engineer for review and approval prior to beginning construction of the town road. Provide a map note.

Comment #23: CFA #4: Add the following note to the plans: "No building permits, except for two model homes, shall be issued for construction of residences on lots fronting on and with access from the proposed road shown on this map until all public improvements are installed or bonded pursuant to §137-11 of the Warwick Town Code. Further, no certificates of occupancy shall be issued on said lots until all public improvements are completed and accepted by the Town Board. Until such acceptance, the model homes are not to be sold."

Comment #24: CFA #5: Applicant and Board to discuss use and location of a temporary trailer office for construction and/or sales, per §164-43D.

Comment #25: CFA #6: Applicant to provide irrevocable offer for 25 foot wide right-of-way strip for Wheeler Road for Town Board acceptance.

Comment #26: CFA #7: Provide a detail for erosion control at the discharge end of the 7'x3' box culvert, consistent with the *NYSDEC Standards & Specifications for Erosion and Sediment Control*.

Comment #27: CFA #8: Provide an existing condition analysis for the 1-year storm event.

Comment #28: CFA #9: Revise number of acres for existing drainage basin N0. 3 under Section V in the engineer's report for consistency in the narrative.

Comment #29: CFA #10: Show pipe capacity calculations for the existing culvert running under Wheeler Road under proposed drainage basin No. 1.

Comment #30: CFA #11: How is stormwater runoff being treated at proposed basin No. 1 and No. 2 for Water Quality? There is an increase in the impervious areas within these drainage areas. Consider the use of rain gardens.

Comment #31: CFA #12: Revise invert elevation at the Outlet Structure detail for consistency with the report.

Comment #32: CFA #13: Submit a signed and sealed structural design for the proposed 7'x3' box culvert for the Town Engineer's review and approval.

Comment #33: The minutes from the October 18, 2006 planning board meeting (Page 5 of 71, near the top) indicates that the stormwater basin will be maintained by the individual lot owner. As stated in the Town's Conditional Final Approval letter, dated October 19, 2006, the Town will have a backup drainage district (condition #15).

Comment #34: The minutes from the October 18, 2006 planning board meeting (pages 6-7 of 71) discuss landscaping requirements.

Comment #35: Provide a legal description of the proposed conservation areas in Section 1.

Comment #36: CFA #14: Provide the declaration and the recording information on the plans for Agricultural Notes, Aquifer Protection Overlay Notes, Open Space Conservation, and Maintenance of Stormwater Management Facilities Notes.

Comment #37: CFA #15: Applicant to obtain Town Board approval/acceptance:

- a. Back-up drainage facility maintenance tax district creation.
- b. Irrevocable offer of dedication for easements for associated drainage facilities.
- c. Irrevocable offer of dedication for Town road (Kaylei Way).

Comment #38: CFA #16: Surveyor to certify that iron rods have been set at all property corners.

Comment #39: CFA #17: Pay Performance Bond and Site Inspection Fee for public improvements (Town road, stormwater management facilities, erosion control). Provide a three-year Landscape Bond.

Comment #40: CFA #18: Payment of Recreational Fees for 7 lots in Section 1 (20 Lots total).

Comment #41: CFA #19: Payment of all fees.

K.P. Home Builders/641 Co Hwy 1

Application for Site Plan Approval and Special Use Permit for the construction and use of a 7,875 s.f. commercial building to consist of a new restaurant on the first floor, an office and (1) bedroom apartment on the second floor and (2) one bedroom apartments on the third floor along with paved parking access from CO. Hwy 1 & 26, situated on tax parcel S 14 B 1 L 7; project located on the south side of CO Hwy 1 50 feet east of CO Hwy 26 (641 CO Hwy 1), in the LB zone, of the Town of Warwick. Previously discussed at the 7/19/17 Planning Board Meeting.

Representing the applicant: John Nosek, Engineer.

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 – 07/11/17 referral from ZBA, walkability, and stormwater
6. TW Building Department – 06/26/17 no violations
7. OCDPW – pending
8. OCDOH – pending
9. ARB – pending submittal & joint meeting coordination
10. The complete ZBA approval language needs to be added to the plan.
11. The Ag Data statement should include the farm operations within 500’ of the property.
12. Ken Porter (KP Homes, Applicant) needs to sign the application form.
13. Applicant needs to sign the escrow form.
14. Applicant needs to sign the SEQRA form.
15. A survey of the property must be submitted.
16. The plans must include updated proposed uses from the Table of Uses (§164-40 M).
17. The property line appears to overlap with Glenwood Road (County Route 26); Applicant to confirm.
18. Applicant to consider sidewalks along property boundaries that front the County Routes.
19. An accessible route should be provided from the street to the proposed building. A handicapped ramp should be added to the proposed sidewalk. Applicant to confirm that the handicapped parking meets the slope requirements.
20. Applicant should show the proposed building’s door locations to ensure that the appropriate maneuvering clearances are provided.
21. NWI map, NYSDEC enviromapper, and FEMA Floodplain map must be submitted.
22. The number of employees, maximum seating capacity, hours of operation, etc. must be shown on the plan.
23. Applicant to provide service capacity letters (e.g., utility, water, sewer, highway, police, ambulance, fire, and school).
24. Standard Town of Warwick Notes must be added to the plans.
25. Parking space calculations must be shown on the plan.
26. Stormwater Pollution Prevention Plan (Simple, since less than 1-acre disturbance) must be submitted.
27. Provide a quantity of junipers to be planted.
28. Provide a species name for the junipers to be planted.
29. Provide a landscape maintenance plan.

30. Provide planting and landscaping notes, including site preparation for installation (soil compaction), seeding, mulching, etc.
31. As noted in 164-43.3A(7)(a), use of a native species is highly encouraged. Juniper species should be specified and encouraged to be native. Azalea species should be replaced with native varieties.
32. Applicant should verify the counts, as the table does not seem to match the plan. Include a note that should there be discrepancies, plan shall dictate.
33. Applicant should consider a different species from white pine, as white pine is a large tree, intended to be planted in a small area on top of a wall. Plantings should be appropriate for the space and provide screening to neighboring residence.
34. As noted in 164-43.3A(7), in lots with more that 8 parking spaces, a minimum of one tree (of at least three inch caliper) and 10 shrubs shall be planted in median dividers or landscape islands. Applicant to provide interior landscape islands and three inch caliper trees and shrubs.
35. 164-43.4E(4) Light Trespass shall not exceed 0.25 footcandles at the property line. Lighting plan should be adjusted to meet this requirement.
36. It is noted that the light fixture for parking lot is retiring from production soon. Suggest the Applicant provide a replacement.
37. Lighting plan photometrics should include a label for the footcandle contours of the wall mounted fixture.
38. Lighting calculation summary should meet horizontal illuminance levels noted in 164-43.4G.
39. Verify 5 footcandles are provided at building entrances.
40. Should any signage be provided with lighting, lighting shall comply with 164-43.4.
41. Any signage and the Master Sign Plan must be in accordance with §164-43.1.
42. Need details for handicapped parking signs and striping, as well as the handicap ramp for the sidewalks.
43. Any signage for restaurant, entry or building needs to comply with lighting section.
44. The location, type, and screening for solid waste and/or recycling containers must be shown on the plan.
45. Retaining wall details should be provided, include top and bottom of wall elevations. Applicant should detail any top of wall protection along the sidewalk.
46. Add dimensions from the building to the septic tank and the building to the disposal system on plan sheet 2.
47. Applicant to confirm all items in Site Plan and Special Use Checklist have been submitted.
48. Place the 911 addresses on Sheet 1 in tabular format.
49. Applicable declaration information must be added to the plans.
50. Surveyor to sign and seal final plans.
51. Surveyor to certify that iron rods have been set at all property corners.
52. Applicant to provide Performance and/or Landscaping bonds and/or site inspection fee, if applicable.
53. Payment of all fees.

The following comment submitted by the Conservation Board:

K.P. Home Builders/641 Co Hwy 1 – No comment.

The following comment submitted by the ARB:

The following comment submitted by the ARB:

K.P. Home Builders/641 Co Hwy 1 – No comment.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has already declared Lead Agency on this application. There are a number of SEQRA questions listed in the comments tonight.

Comment #2: Applicant to discuss project.

John Nosek: We were before the Board quite some time ago. At that time, the Zoning did not permit us to do what Mr. Porter would like to do which is a combination of a restaurant on the first floor and 3 apartments on the second and third floors. Since that point in time, that Zoning has been modified to permit and allow him to do that. We went to the ZBA. We received a variance to allow the building be moved a little closer to C.R. 1, which would allow us to put the parking in the rear. We are now back before the Planning Board. We are looking to do an approximately 7,800 s.f. building with a 40 seat restaurant on the first floor with (3) one-bedroom apartments on the second and third floors with a small office on the second floor.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 07/11/17 referral from ZBA, walkability, and stormwater

Mr. Astorino: That would be up to the County if they want to put some sidewalks in.

John Nosek: Has the Town submitted to the County? I have extra copies of the plan.

Connie Sardo: We submitted to the County Planning Department.

John Nosek: Ok. You submitted to OCPL Dep't not to OCDPW?

Connie Sardo: I sent the plans to OCPL.

John Nosek: Ok. These plans need to be submitted to OCDPW by you. They won't accept them from me.

Connie Sardo: Right.

Mr. Astorino: We will send them out to OCDPW to get their comments. We will see what they have to say.

Comment #6: TW Building Department – 06/26/17 no violations

Comment #7: OCDPW – pending

Comment #8: OCDOH – pending

Comment #9: ARB – pending submittal & joint meeting coordination

Mr. Astorino: Once you get the architectural drawings in with the type of materials and such, we will then set up a Joint Planning Board/ARB Meeting along with you. It would be a lot easier instead of going back and forth.

John Nosek: I did speak to Mr. Porter. He has retained an Architecture to obtain the elevations and architectural.

Mr. Astorino: Ok. Perfect.

Comment #10: The complete ZBA approval language needs to be added to the plan.

John Nosek: Ok.

Comment #11: The Ag Data statement should include the farm operations within 500' of the property.

John Nosek: Regarding Comment #11 through Comment #14, Mr. Porter had said that he has come into the office and has taken care of all the documents that needed to be signed.

Connie Sardo: No. Not necessarily. I have been speaking to Cindy Porter. I did receive an Ag Data Statement. It still does not list any farm operations within 500 feet. Ted, is that ok?

John Nosek: I checked within the 500 feet. The black dirt is well more than 500 feet to this corner lot. There are no existing agricultural operations within 500 feet. Even though there are none, I would still have to do the Ag Data Statement stating that. It would have to be signed by Mr. Porter. I understand that has been done.

Mr. Fink: Right.

Comment #12: Ken Porter (KP Homes, Applicant) needs to sign the application form.

Connie Sardo: I do not have a signed application. Cindy said she would get that done and get it over to me. I still have not received that.

John Nosek: Do you still not have that?

Connie Sardo: I don't have it.

Mr. Astorino: We will keep the comments. We will move from here.

Comment #13: Applicant needs to sign the escrow form.

Comment #14: Applicant needs to sign the SEQRA form.

Comment #15: A survey of the property must be submitted.

John Nosek: Ok.

Comment #16: The plans must include updated proposed uses from the Table of Uses (§164-40 M).

John Nosek: Ok.

Comment #17: The property line appears to overlap with Glenwood Road (County Route 26); Applicant to confirm.

John Nosek: Ok.

Comment #18: Applicant to consider sidewalks along property boundaries that front the County Routes.

Mr. Astorino: That is a County issue.

Comment #19: An accessible route should be provided from the street to the proposed building. A handicapped ramp should be added to the proposed sidewalk. Applicant to confirm that the handicapped parking meets the slope requirements.

Mr. Astorino: That is a County issue. Laura, are any of these other comments that are not just generic engineering in nature?

Laura Barca: I don't think so.

Mr. Astorino: Would you like to discuss any of these comments?

Comment #20: Applicant should show the proposed building's door locations to ensure that the appropriate maneuvering clearances are provided.

Comment #21: NWI map, NYSDEC enviromapper, and FEMA Floodplain map must be submitted.

Comment #22: The number of employees, maximum seating capacity, hours of operation, etc. must be shown on the plan.

John Nosek: I am fine with Comment #20 through Comment #23.

Comment #23: Applicant to provide service capacity letters (e.g., utility, water, sewer, highway, police, ambulance, fire, and school).

John Nosek: I am not sure what you are asking for?

Mr. Astorino: You would need to send letters to fire, ambulance, school, etc...

Laura Barca: There is a standard letter in the application packet that you would send out to those services.

John Nosek: Ok. Will do.

Mr. Astorino: The rest of these comments are pretty much standard comments. If you have any questions, you can contact Laura and Ted.

John Nosek: There are landscaping comments which I can handle. The issue with regards to the SWPPP, we are well below the threshold. It is 0.54 acres is the entire site. We are about .4 or .45 area of site disturbance.

Laura Barca: Ok.

John Nosek: We are well below the threshold of a DEC SWPPP. I do understand that we will be required to do State wide construction entrance, silt fences, and erosion control measures requirements to make sure there are no impacts to offsite stormwater.

Laura Barca: Yes. In the Town Code §164-47.10 the Town has 3 different kinds. We call them all SWPPP. What you just had described, the Town calls it a “Simple” SWPPP.

John Nosek: Ok.

Laura Barca: We are exactly on the same page. We call it a “Simple” SWPPP.

John Nosek: Ok. Got it.

Mr. Astorino: We will list Comment #20 through Comment #53 for the record. Do any Board members or Professionals have any comments or concerns? Do you wish to be set for a public hearing at the next available agenda?

John Nosek: Yes.

Connie Sardo: I thought we need to have a Joint Planning Board/ARB meeting first?

Mr. Astorino: I understand that.

Laura Barca: We don't have architectural drawings yet.

Mr. Astorino: We could wait. Is there a reason for him to come back before we have the public hearing? All of this could be done first, then we could have the public hearing.

Laura Barca: That is true.

Mr. Astorino: There are a lot of comments here. I think they are more technical in nature. We are trying to save them from an extra meeting.

Laura Barca: Correct.

Mr. Astorino: Does the Board want to make a motion to set K.P. Home for a public hearing at the next available agenda?

Mr. McConnell makes a motion to set the K.P. Home Builders/Co Hwy. 1 Site Plan & Special Use Permit application for a Public Hearing at the next available agenda.

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

Mr. Bollenbach: What about the Joint PB/ARB Meeting?

Mr. Astorino: We will set that up once we receive the architectural drawings. We will set that up with the Planning Board, ARB, and with the Applicant.

John Nosek: Could I leave you 2 copies of the Site Plan drawings for you to send to OCDPW?

Connie Sardo: Yes.

John Nosek: They won't accept them from me. They will only accept them from you. Thank you.

Connie Sardo: No problem.

Comment #24: Standard Town of Warwick Notes must be added to the plans.

Comment #25: Parking space calculations must be shown on the plan.

Comment#26: Stormwater Pollution Prevention Plan (Simple, since less than 1-acre disturbance) must be submitted.

Comment #27: Provide a quantity of junipers to be planted.

Comment #28: Provide a species name for the junipers to be planted.

Comment #29: Provide a landscape maintenance plan.

Comment #30: Provide planting and landscaping notes, including site preparation for installation (soil compaction), seeding, mulching, etc.

Comment #31: As noted in 164-43.3A(7)(a), use of a native species is highly encouraged. Juniper species should be specified and encouraged to be native. Azalea species should be replaced with native varieties.

Comment #32: Applicant should verify the counts, as the table does not seem to match the plan. Include a note that should there be discrepancies, plan shall dictate.

Comment #33: Applicant should consider a different species from white pine, as white pine is a large tree, intended to be planted in a small area on top of a wall. Plantings should be appropriate for the space and provide screening to neighboring residence.

Comment #34: As noted in 164-43.3A(7), in lots with more than 8 parking spaces, a minimum of one tree (of at least three inch caliper) and 10 shrubs shall be planted in median dividers or landscape islands. Applicant to provide interior landscape islands and three inch caliper trees and shrubs.

Comment #35: 164-43.4E(4) Light Trespass shall not exceed 0.25 footcandles at the property line. Lighting plan should be adjusted to meet this requirement.

Comment #36: It is noted that the light fixture for parking lot is retiring from production soon. Suggest the Applicant provide a replacement.

Comment #37: Lighting plan photometrics should include a label for the footcandle contours of the wall mounted fixture.

Comment #38: Lighting calculation summary should meet horizontal illuminance levels noted in 164-43.4G.

Comment #39: Verify 5 footcandles are provided at building entrances.

Comment #40: Should any signage be provided with lighting, lighting shall comply with 164-43.4.

Comment #41: Any signage and the Master Sign Plan must be in accordance with §164-43.1.

Comment #42: Need details for handicapped parking signs and striping, as well as the handicap ramp for the sidewalks.

Comment #43: Any signage for restaurant, entry or building needs to comply with lighting section.

Comment #44: The location, type, and screening for solid waste and/or recycling containers must be shown on the plan.

Comment #45: Retaining wall details should be provided, include top and bottom of wall elevations. Applicant should detail any top of wall protection along the sidewalk.

Comment #46: Add dimensions from the building to the septic tank and the building to the disposal system on plan sheet 2.

Comment #47: Applicant to confirm all items in Site Plan and Special Use Checklist have been submitted.

Comment #48: Place the 911 addresses on Sheet 1 in tabular format.

Comment #49: Applicable declaration information must be added to the plans.

Comment #50: Surveyor to sign and seal final plans.

Comment #51: Surveyor to certify that iron rods have been set at all property corners.

Comment #52: Applicant to provide Performance and/or Landscaping bonds and/or site inspection fee, if applicable.

Comment #53: Payment of all fees.

Barricella Solar Farm 35 Union Corners Rd.

Application for Site Plan Approval and Special Use Permit for the construction and use of a large-scale community commercial 1.84 MW solar energy installation, situated on tax parcel S 29 B 1 L 62.2; project located on the western side of Union Corners Road 400 feet south of Meadow Ridge Road (35 Union Corners Rd), in the RU/AI zones, of the Town of Warwick. Previously discussed at the 7/18/18 Planning Board Meeting.

Representing the applicant: Linda Stancliffe, Chazen Companies. Palmer Moore from Nexamp.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – 09/18/18 prefers underground connection should be used for aesthetic and reliability concerns
4. Architectural Review Board – no comments received
5. OC Planning Department – 07/25/18 advisory for near wetlands, ag impacts, impaired water, and endangered land uses
6. TW Building Department – 06/11/18 no violations
7. OCDPW – driveway access and possible construction near or under the County Road (Union Corners Road)
8. Applicant to show in the bulk table, the proposed area of the panels (in acres), as well as total lot coverage.
9. The following setbacks from §164-46.J(127) are not shown on the bulk table:

(g) Limited access highway: 100 feet.

(h) Other public roads: 40 feet.

(i) Internal roads: 30 feet.

10. Applicant to clarify how the four-step process (§164-41.1E(3)) was used to site the locations for the solar panels.
11. Applicant to clarify how panels will be installed and if soil testing is required prior to installation. Applicant to provide soil boring and test pit results.
12. Applicant to clarify width of disturbance through wetland area, including the UE trench. Sheet C550 Electric Conduit Trench detail does not indicate a minimum width; this information should be added. Confirmation site inspection may be necessary.
13. Sheet C550, electric trench detail refers to drawing C530, which does not appear in this drawing set. Applicant to clarify.

14. A Visual Assessment including Lines of Sight Profiles must be provided [§164-47.1F(3)(a)], including landscaping to provide year-round screening (if not already provided) any glare/reflection onto adjacent properties and roadways.
15. The proposed security fence is 7-ft tall; Planning Board to determine if ZBA variance is required. §164-42G(8) appears to allow 6-ft tall fencing.
16. Applicant to provide Decommissioning Plan if large-scale solar panel project is without energy for 180 days in accordance with §164-42G(9).
17. Applicant to confirm that project is in compliance with NYSDEC Solar Panel Construction Stormwater Permitting/SWPPP Guidance document, dated 04/05/18
18. Stormwater Pollution Prevention Plan has been submitted.
19. The plans show a “UE” symbol, but this symbol is not included in the legend. The plans should better describe the purpose of the UE line.
20. Applicant to clarify the number of poles to be used and if underground connections can be made.
21. §164-46.J(53) requires compliance with the Town of Warwick Design Standards.
22. Applicant shall clarify on the plans compliance with the Town of Warwick Performance Standards (§164-46.J(81)). A note shall be added to the plan.
23. Tree planting details and notes must be included, as well as scientific name and root type (B&B). Plan must also show the tree species on the plan.
24. Applicant to clarify the “Tree Trimming” notes on the plan. Sheet C131, Note 1: “Vegetative trimming includes cutting trees to avoid for proper solar exposure. Tree stumps and roots to remain in place. Fell trees away from wetland.” Applicant to clarify if new screening is proposed near the property lines.
25. Applicant to clarify the need for large “Proposed Construction Laydown Area.” Applicant to clarify if all trees in this area will be removed.
26. 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 C131, Note 4)
27. The declaration information for the Agricultural Notes, Aquifer Overlay Notes, and Private Road and Maintenance for the common driveway must be added to the plans.
28. Surveyor to sign and seal final plans.
29. Surveyor to certify that iron rods have been set at all property corners.
30. Applicant to provide Decommissioning Report and/or Bond, as required by the Planning Board.
31. Payment of all fees.

The following comment submitted by the Conservation Board, 9/18/18:

Barricella Solar Farm 35 Union Corners Rd – Great Project. O&R should underground interconnection line for aesthetic and reliability concerns. The cost of underground is more than offset by the improvements O&R does not have to make due to the existence of this distributed generating source.

The following comment submitted by the ARB:

Barricella Solar Farm 35 Union Corners Rd. – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning has declared itself Lead Agency. This is a Type 1 Action. We didn't receive any challenges to the Planning Board because we declared Intent to be Lead Agency. We did receive back some letters from the OC Health Department and NYSDEC. The only things that the DEC pointed out was that there is a stream on the site and ACOE wetlands which we already knew. The other thing they pointed out was that the Indiana Bat was known to occur in the area. They asked that the time of year restrictions from October 1st to March 31st would be ok to clear vegetation during that period be placed. We expected that. That is about it.

Comment #2: Applicant to discuss project.

Linda Stancliffe: We revised the project from what was originally submitted. Our original submission was for a larger project. We reduced the size of the solar field to 1.84 MW. Tonight I have with me revised SEQRA Forms and revised Applications that state that. I could provide that to the Board this evening.

Mr. Fink: Does that include the Line-Of-Sight profiles?

Linda Stancliffe: I have a preliminary Line-Of-Sight profiles. I could provide that to you.

Mr. Fink: Ok.

Linda Stancliffe: It is on 11x17 format. I wasn't sure what format you wanted.

Mr. Fink: Ok.

Linda Stancliffe: That is the format I have to provide to the Board tonight.

Comment #3: Conservation Board – 09/18/18 prefers underground connection should be used for aesthetic and reliability concerns

Mr. Astorino: We had discussed this at the site. We understand that the Power Company would dictate that unfortunately. We all understand that.

Mr. McConnell: Do we have the ability to suggest to the Power Company? The Board would look favorably upon underground connections.

Mr. Astorino: I think we could suggest it. I don't know.

Mr. Bollenbach: There are different cases. For example the balusters at Price Chopper. There is flexibility. There are alternate designs that can be pursued.

Mr. McConnell: Ok.

Mr. Bollenbach: Whether or not that would prevail, I don't know. It could be pursued.

Mr. Astorino: If they allow it, we put it underground. That would make the most sense.

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 07/25/18 advisory for near wetlands, ag impacts, impaired water, and endangered land uses

Comment #6: TW Building Department – 06/11/18 no violations

Comment #7: OCDPW – driveway access and possible construction near or under the County Road (Union Corners Road)

Mr. Astorino: That would be have to be done.

Linda Stancliffe: I have been in contacted with the County.

Connie Sardo: Regarding OCDPW, I need a revised full set of plans from you for me to send out to them. You would need to send that directly to me. I would send it to OCDPW. The original set that I sent to OCDPW had some questions and comments. You will need to revise the plans and send them to me.

Comment #8: Applicant to show in the bulk table, the proposed area of the panels (in acres), as well as total lot coverage.

Linda Stancliffe: No objections.

Comment #9: The following setbacks from §164-46.J(127) are not shown on the bulk table:

(g) Limited access highway: 100 feet.

(h) Other public roads: 40 feet.

(i) Internal roads: 30 feet.

Linda Stancliffe: No objections.

Comment #10: Applicant to clarify how the four-step process (§164-41.1E(3)) was used to site the locations for the solar panels.

Linda Stancliffe: We had provided a comment response letter. That comment was addressed in Response #16. If further correspondences are required, I would be happy to expand on that.

Mr. Astorino: Ok.

Mr. Fink: That issue also came up in the OCPL letter. We knew about this involved wetlands as well. It was required that there would be the four-step process. Laura and I had a discussion about this. The four-step process was designed for subdivision. This is not a subdivision. The only part of the four-step process that applies is Step 1, which is to identify the resources. The Applicant has done that. They have identified the prim Ag soils, which was one of the comments from the OCPL Department. They have responded to that in their letter.

Mr. Astorino: It is really not the four-step process. Is that correct?

Mr. Fink: It is not the full four-step process. It is only the 1st Step process of the four-step process. That is to identify the resources. That way they could design around them. They have done that.

Mr. Astorino: Ok.

Mr. Fink: They have done it around the wetlands, farm structures, etc...

Mr. Astorino: Ok. Good.

Comment #11: Applicant to clarify how panels will be installed and if soil testing is required prior to installation. Applicant to provide soil boring and test pit results.

Linda Stancliffe: No objections.

Comment #12: Applicant to clarify width of disturbance through wetland area, including the UE trench. Sheet C550 Electric Conduit Trench detail does not indicate a minimum width; this information should be added. Confirmation site inspection may be necessary.

Linda Stancliffe: We are not disturbing wetland. We are disturbing areas between where two wetlands come together. That is not defined as a wetland.

Mr. Astorino: Who defined the wetland?

Linda Stancliffe: It was Mike Nowicki.

Mr. Astorino: Usually in this case, the Board would send a Professional out to verify which would be your person, Laura, and HDR wetland specialist. Laura, does HDR have a wetland specialist?

Laura Barca: Yes. We do.

Mr. Astorino: In the past, if the Board so desires to get confirmation so that everything is on the up and up with the wetlands. We have done it on subdivisions in the past.

Laura Barca: That is because it is close.

Mr. Astorino: Right. I think that it would be prudent to do. Does the Board feel the same?

Ms. Little: I agree.

Mr. McConnell: Yes.

Mr. Kennedy: Yes.

Mr. Astorino: Ok. Laura, please set that up.

Laura Barca: Yes. Ok.

Comment #13: Sheet C550, electric trench detail refers to drawing C530, which does not appear in this drawing set. Applicant to clarify.

Palmer Moore: I am from Nexamp. That refers to drawings C530. C530 is applicable into a conduit that is being installed under a paved surface. We do not have that here. It is not an applicable comment.

Mr. Astorino: Send that into us.

Comment #14: A Visual Assessment including Lines of Sight Profiles must be provided [§164-47.1F(3)(a)], including landscaping to provide year-round screening (if not already provided) any glare/reflection onto adjacent properties and roadways.

Linda Stancliffe: I have the View Shed Line-Of-Sight to provide to the Planning Board.

Mr. Astorino: Ok.

Comment #15: The proposed security fence is 7-ft tall; Planning Board to determine if ZBA variance is required. §164-42G(8) appears to allow 6-ft tall fencing.

Mr. Astorino: This is required by the Regulations for solar a 7-ft. tall fence minimum. Is that correct?

Linda Stancliffe: It is from National Electric.

Mr. Astorino: Ok. Does that supersede?

Mr. Bollenbach: Yes.

Laura Barca: Could you provide that documentation?

Linda Stancliffe: Yes.

Comment #16: Applicant to provide Decommissioning Plan if large-scale solar panel project is without energy for 180 days in accordance with §164-42G(9).

Linda Stancliffe: It is my understanding that we would need to add that 180 days to the Decommissioning Plan. Is that correct?

Mr. Astorino: Laura, are there any comments on the Decommissioning Plan?

Laura Barca: HDR has Solar Energy Specialists out of our Denver office. They are aware of it. Unfortunately their comments are not in here yet. We do expect comments from them within the next couple of weeks.

Linda Stancliffe: Ok.

Mr. Astorino: They are working on that. Is that correct?

Laura Barca: Yes.

Comment #17: Applicant to confirm that project is in compliance with NYSDEC Solar Panel Construction Stormwater Permitting/SWPPP Guidance document, dated 04/05/18

Laura Barca: They have submitted that. We are reviewing that.

Mr. Astorino: Ok.

Comment #18: Stormwater Pollution Prevention Plan has been submitted.

Laura Barca: That is the same as Comment #17.

Comment #19: The plans show a "UE" symbol, but this symbol is not included in the legend. The plans should better describe the purpose of the UE line.

Linda Stancliffe: No objections.

Comment#20: Applicant to clarify the number of poles to be used and if underground connections can be made.

Mr. Astorino: We discussed this. If anything from this Board, it would help this process along. Please put us in contact with somebody. We could send a letter or something requesting that. We would prefer that.

Comment #21: §164-46.J(53) requires compliance with the Town of Warwick Design Standards.

Mr. Astorino: This does not apply. We could strike Comment #21.

Comment #22: Applicant shall clarify on the plans compliance with the Town of Warwick Performance Standards (§164-46.J(81)). A note shall be added to the plan.

Linda Stancliffe: No objections.

Comment #23: Tree planting details and notes must be included, as well as scientific name and root type (B&B). Plan must also show the tree species on the plan.

Linda Stancliffe: No objections.

Comment #24: Applicant to clarify the “Tree Trimming” notes on the plan. Sheet C131, Note 1: “Vegetative trimming includes cutting trees to avoid for proper solar exposure. Tree stumps and roots to remain in place. Fell trees away from wetland.” Applicant to clarify if new screening is proposed near the property lines.

Linda Stancliffe: New screening is proposed along the west, south, and north property lines. The east property line is 1100 l.f. or feet away.

Mr. Astorino: Ok.

Comment #25: Applicant to clarify the need for large “Proposed Construction Laydown Area.” Applicant to clarify if all trees in this area will be removed.

Linda Stancliffe: We will revisit that.

Comment #26: 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 C131, Note 4)

Linda Stancliffe: No objections.

Comment #27: The declaration information for the Agricultural Notes, Aquifer Overlay Notes, and Private Road and Maintenance for the common driveway must be added to the plans.

Linda Stancliffe: Those will be added to the plans. It is on Sheet C130.

Laura Barca: This is for the declaration information. Once the language has been finalized with our Planning Board Attorney and filed in the County Clerks Office, you will need to put the liber and page on the plans.

Linda Stancliffe: Ok.

Comment #28: Surveyor to sign and seal final plans.

Linda Stancliffe: No objections.

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

Linda Stancliffe: No objections.

Comment #30: Applicant to provide Decommissioning Report and Bond, as required by the Planning Board.

Linda Stancliffe: Yes.

Comment #31: Payment of all fees.

Linda Stancliffe: Yes.

Mr. Astorino: Do any Board members or Professionals have any comments? Laura, you will set up to verify the wetlands. Is that correct?

Laura Barca: Correct. We are also reviewing the Decommissioning Report and the SWPPP.

Mr. McConnell: Does the Applicant request to be set for a public hearing at the next available agenda?

Mr. Astorino: I think we could do that. If they are not ready for a public hearing, then we wouldn't put them on for a public hearing. They are getting close to that point. Does someone want to make a motion to set Barricella Solar Farm for a public hearing at the next available agenda?

Mr. McConnell makes a motion to set the Barricella Solar Farm/35 Union Corners Rd application for a Site Plan Approval and Special Use Permit Public Hearing at the next available agenda.

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

Linda Stancliffe: Thank you.

Other Considerations:

1. Planning Board Minutes of 8/15/18 for PB Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 8/15/18.

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

2. Planning Board to discuss cancelling the 9/24/18 W.S. & 10/3/19-PB Meeting.

Mr. McConnell makes a motion to cancel the 9/24/18 W.S. & 10/3/18-PB Meeting.

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

3. **Wendt-Cassanite Lot Line Change** – Letter from Karen Emmerich, Lehman & Getz Engineering, dated 9/10/18 addressed to the Planning Board in regards to Wendt-Cassanite Lot Line Change – requesting a 6-Month Extension of a proposed Lot Line Change, situated on tax parcels SBL # 55-1-41.21 and 45; parcels located on the northern side of Old Mt. Peter Road 260± feet north of NYS Route 17A in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 3/28/18. *The Applicant has stated that they are very close to finalizing this project. The Attorney is working on the easement language with the project surveyor.* The 6-Month Extension becomes effective 9/28/18.

Mr. Bollenbach: Just for the record, the Attorney that is working on the easement language has been squared away several months ago. I called Bill Nathan today. The reason for the delay is that the declaration cannot be recorded since there is an outstanding mortgage that has not yet been released.

Mr. McConnell makes a motion on the Wendt-Cassanite Lot Line Change application, granting a 6-Month Extension on Final Approval of a proposed Lot Line Change. (SBL # 55-1-41.21 & 45).

The 6-Month Extension becomes effective on 9/28/18.

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

4. Memo from Supervisor Sweeton, dated 9/19/18 addressed to Planning Board – in regards to Proposed Zoning Changes Local Law #5.

Mr. Astorino: We have that in our packets. Board members, please review the proposed Zoning Changes. Any comments or questions you have, please direct them to Ted and Laura. The Town Board needs to have this by their October 11, 2018 meeting. Need to get it in by the 10/8/18-Work Session.

Correspondences:

1. Email from resident, Lori & Vincent Scaffidi, dated 7/17/18 in regards to Blue Arrow Farm.
2. Email from resident, Connie Newsom, dated 8/19/18 in regards to Blue Arrow Farm.
3. Email from resident, Rachel Chaput, dated 8/19/18 in regards to Blue Arrow Farm.
4. Email from resident, Linda Francis, dated 8/18/18 in regards to Blue Arrow Farm.
5. Email from resident, Louis Schweitzer, dated 8/18/18 in regards to Blue Arrow Farm.
6. Email from resident, Jessica Laroe, dated 8/17/18 in regards to Blue Arrow Farm.
7. Telephone Message from resident, Maryellen Downes, dated 8/21/18 in regards to Blue Arrow Farm.
8. Email from resident, Brian Kastan, dated 8/21/18 in regards to Blue Arrow Farm.
9. Letter from Bob Krahulik, Esq., dated 8/20/18 addressed to Rachel Chaput in regards to Blue Arrow Farm
10. Email from resident, Ashlee Cartwright, dated 8/20/18 in regards to Blue Arrow Farm.
11. Email from resident, Eve McClanahan, dated 9/3/18 in regards to Blue Arrow Farm.

Mr. Astorino: We have numerous emails from residents regarding Blue Arrow Farm. We have those correspondences in our packets. We will list Correspondences 1 through 11 for the record. We do have a correspondence from Bob Krahulik who is the Attorney for Blue Arrow Farm. We will deal with this issue once they come before us.

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 September 19, 2018 Planning Board Meeting.

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