

TOWN OF WARWICK PLANNING BOARD

December 5, 2018

**“DRAFT”**

Members present: Chairman, Benjamin Astorino  
Roger Showalter, Vice-Chairman  
Dennis McConnell, 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, December 5, 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 Laura Giantonio**

Application for Site Plan Approval for the construction and use of “Chapter 150” Excavation and Restoration of clearing of trees, situated on tax parcel S 40 B 1 L 70; project located on the southern side of Ryerson Road 900 feet east of Blooms Corners Road (119 Ryerson Road) in the RU zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Dave Griggs from ERS Consultants. Dave Getz from Lehman & Getz Engineering. Karen Arent, Landscape Architect. Laura & Don Giantonio, Applicants.

Connie Sardo: Mr. Chairman, we received the certified mailings for the Giantonio 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 – 11/07/18 stated that this property is directly opposed to TW Section 150, also listed benefits of trees; 12/05/18 add shagbark hickory, increase number of silver maple and white oak planted, include plant list and notes on the final plan, modify planting note 4 to provide a three-year warranty.
4. Architectural Review Board – 12/05/18 no comments.
5. OC Planning Department – 11/01/18 advisory comments for endangered species and replanting restoration trees
6. TW Building Department – 10/18/18 stop work order posted 09/25/18
7. A number of large trees (on the Applicant’s sketch and stumps visible in the photos) were cleared during the no-clearing window for Indiana and long-eared bats.
8. U. S. Fish & Wildlife Service’s Information for Planning and Conservation website (IPaC) lists both Indiana (federally endangered) and Northern long-eared bats (federally threatened) as being potentially present. As the two species of bats are federally protected species, USF&WS should be contacted for their opinion on the actions taken by the Applicant and for their comment/approval of the tree restoration plan.
9. NYSDEC Region 3 has no further issue (e-mail of 10/30/18) with the property or actions taken.

10. The work conducted/proposed would not trigger the need for any Federal/Corps permit for wetlands or watercourse disturbance.
11. Applicant should provide NRCS soils data for the site and identify soil types and Hydrologic Soil Groups and include soil description / behaviors.
12. Applicant to provide additional contour lines, grading notes and details on the Site Restoration Plan Sheets 1 and 2. Notes shall include estimates of soil removed from site or material brought to the site.
13. Notes shall be added to the plan clarifying how the large soil pile, cut trees, and boulders will be managed. If cut soils are to be managed on site, provide a stockpile protection detail in accordance with the NYSDEC Standards & Specifications for Erosion & Sediment Control.
14. Applicant to indicate who is performing inspections and maintenance on the post-construction stormwater management practices (rain gardens). Prepare an Operations and Maintenance Plan that includes schedules and actions to ensure effectiveness of this practice.
15. Per the New York State Stormwater Management Design Manual Section 5.3.7, a single rain garden should be designed to receive sheet flow runoff or shallow concentrated flow from a total contributing drainage area equal to or less than 1,000 sq. ft. Applicant to confirm if additional measures are required to ensure functionality of the rain gardens, or whether they are an appropriate stormwater management practice.
16. Confirm if tree protection is required (i.e., the 52" dia. oak to remain near the proposed septic). If used, include a detail on sheet 2.
17. Applicant to indicate if any infiltration testing has been performed for the rain garden locations to verify adequate soil drainage. Appendix D of the NYS Stormwater Management Design Manual outlines field percolation testing requirements.
18. Please add notes to add topsoil and seed to necessary areas. Indicate what type and frequency of soil testing is required per Soil & Erosion Control Note 3.B on Sheet 2-Details & Notes.
19. Clarification that soil placement near Ryerson Road adjacent to 40-1-69 is sufficient to remain (or provide stabilized solution).
20. Clarification that other areas where the soil is or was recently steeply sloped have been sufficiently stabilized.
21. Landscape plans should include planting details, such as tree planting and staking, tree protection details for trees to remain. Seed mixture information should be provided, such as type of wildflower meadow mix, installation notes, seeding rates, maintenance plan.
22. Planting plan includes symbol BnH, Bnh, and CrA; please include in planting list to identify.
23. There is a tree on the northern corner of the fenced lawn with no symbol to identify, please include.
24. The Landscape Plan should include a north arrow.
25. On the Landscape Plan, Planting Note #13 references a Grading Plan. Some grading appears to be shown on Sheet 1; however, the existing and proposed grading for the large mound of soil does not appear to be shown.
26. On the Landscape Plan, Planting Note #16, add "at the direction of the Landscape Architect."
27. On the Landscape Plan, Planting Note #23, provide seed mixture schedule as noted.
28. On the Landscape Plan, Planting Note 4, please update the one-year survivability to three years.
29. Applicant should consider replacing trees removed on adjacent parcels, with property owner permission. If permission is not granted, it should be noted on the plans.
30. It is noted on the Landscape Plan that the edge between lawn and wildflower meadow mix to be field determined. This edge should be proposed now or noted on a record plan or as-

built, in order to demonstrate that the wildflower area will be maintained; this is important to return the area as wildlife habitat.

31. The tree removal plan should be made a full-size and included in the plan set. There should be a table added including a tree number, species, and size. This plan should also include the “approved” limits of disturbance from the 2016 septic plan.
32. Applicant to clarify the Best Management Practices in Sheet 1, Note 12.
33. Site plan to demonstrate that the driveway configuration allows for a car to turn around when exiting the garage. Include dimensions for the driveway and a driveway profile.
34. Surveyor to certify that iron rods have been set at all property corners.
35. Provide anticipated restoration schedule, including site grading, topsoil placement, and landscaping installation.
36. Landscape Bond and site inspection fees are required for this project. Applicant to submit estimate for the cost of the landscape plantings.
37. Payment of all fees.

Laura Giantonio – The following comment submitted by the Conservation Board, dated 12/5/18:

(Supplement to the CB Comments previously submitted for the 11/7/18 PB agenda).

The CB has reviewed the Landscape Master Plan and supports the replacement of the destroyed trees and shrubs with many of the species listed. Unfortunately, as noted by the applicant’s consultant, the proposed trees may take up to 20 years to reach the height and condition necessary to match the destroyed trees. The CB is particularly concerned with the loss of habitat for the Indiana bat, listed by the U.S. Fish and Wildlife Service as an endangered species. The Indiana bat is considered a beneficial species because it feeds exclusively on terrestrial and aquatic flying insects, notably mosquitoes, beetles, midges and moths.

The CB confirmed the opinion of David Griggs that the Indiana bat does not generally utilize artificial roosts (bat boxes), unlike other species of bats. Research has shown that human disturbance and the degradation of habitat are the primary causes for the decline of the Indiana bat. An important factor relating to roost suitability is tree condition. Indiana bats prefer dead or dying trees with exfoliating bark. Indiana bats show an affinity for very large trees that receive lots of sunlight. Typically, Indiana bats roost in snags, but a few species of live trees are also utilized. Live roost trees are usually *shagbark hickory, silver maple, and white oak* [emphasis added]. Shagbark hickories make excellent alternate roosts throughout the Indiana bats' range due to their naturally exfoliating bark. Although Indiana bats primarily roost under loose bark, a small fraction roosts in tree cavities. Source: Wikipedia

The current landscape master plan includes no shagbark hickory, 3 silver maples, and only 1 white oak. Accordingly, in order to eventually create an optimal habitat for the Indiana bat, the CB recommends the applicant utilize a significant number of shagbark hickory trees (available from landscape wholesalers) to be situated around the property and increase the number of silver maples and white oaks.

The CB further recommends the PB require the Planting Notes and Plant List be included in the filed plan and that Planting Note #4 be amended to provide a 3 year warranty/replacement.

The following comment submitted by the ARB:

Laura Giantonio – No comment at this time.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: It is an Unlisted Action. The Planning Board has already declared itself Lead Agency. There are no other Involved Agencies. I have prepared a draft Negative Declaration for the Board's consideration. If any changes need to be made to it, we could do that.

Comment #2: Applicant to discuss project.

Dave Getz: We are before the Board because the Applicant's own a 5-Acre parcel on Ryerson Road that was approved in the past to build a single-family dwelling. In preparing to construct that home they had cleared an area in excess of the allowable area. We are before you to seek approval for a restoration plan for that site.

Mr. Astorino: There was emergency work that had been completed out by Ryerson Road.

Dave Getz: That is correct. That included stabilizing the shoulder of the road, the slope and the constructing of a stabilize entrance.

Mr. Astorino: Have you installed silt fences?

Dave Getz: Yes.

Mr. Astorino: Ok.

Comment #3: Conservation Board – 11/07/18 stated that this property is directly opposed to TW Section 150, also listed benefits of trees; 12/05/18 add shagbark hickory, increase number of silver maple and white oak planted, include plant list and notes on the final plan, modify planting note 4 to provide a three-year warranty.

Mr. Astorino: We have all seen the Conservation Board's comments. It would be wise to add some more shagbark hickory and white oak. It is for the bat habitat. I would think it would make more sense to do that. Karen, are you ok with that?

Karen Arent: We have no problem with that.

Comment #4: Architectural Review Board – 12/05/18 no comments.

Comment #5: OC Planning Department – 11/01/18 advisory comments for endangered species and replanting restoration trees

Mr. Astorino: We will go through that tonight.

Comment #6: TW Building Department – 10/18/18 stop work order posted 09/25/18

Comment #7: A number of large trees (on the Applicant's sketch and stumps visible in the photos) were cleared during the no-clearing window for Indiana and long-eared bats.

Mr. Astorino: We understand that. That is why they are here.

Comment #8: U. S. Fish & Wildlife Service's Information for Planning and Conservation website (IPaC) lists both Indiana (federally endangered) and Northern long-eared bats (federally threatened) as being potentially present. As the two species of bats are federally protected species, USF&WS should be contacted for their opinion on the actions taken by the Applicant and for their comment/approval of the tree restoration plan.

Mr. Astorino: Do you have anything from them?

Dave Griggs: No. I did speak to the DEC & US Fish & Wildlife. What they had said was that they can't review a mitigation plan if there were no species present. They don't know any more than what we know if those species were present or would be present on that piece of property. There is the white nose fungus where 98% of the bats have been reduced and eliminated. They had said the chances of it being there are slim. They could have been there. They don't know if they have been there. They would not have needed a DEC permit or a Fish & Wildlife permit to do what they were going to do in the first place if they had adhere to Town standards. They feel that other than the standard mitigation to remove trees during the off season they said if they wanted to plant trees back that would be fine with them. There is no mechanism for them to review the project.

Mr. McConnell: According to this it sounds like there is a window of opportunity during which you should not remove trees if there is a potential for Indiana or Long Eared bats.

Dave Griggs: Yes.

Mr. McConnell: Where does that appear? Is it DEC or Fish & Wildlife?

Dave Griggs: It is both the DEC and Fish & Wildlife. The species are listed both by the State and the Feds.

Mr. McConnell: Ok.

Dave Griggs: They both recommend the time period from November 1<sup>st</sup> to March 31<sup>st</sup>.

Mr. McConnell: Yes. Ok. Is there anything in there that says it is a real prohibition, or suggestion, or guidelines?

Dave Griggs: It is guidelines. If an Applicant needs a Federal permit or Federal funds, they would have to adhere to those guidelines. Otherwise if somebody does not...

Mr. McConnell: Then they would have to return the Federal funds or the Federal permit.

Dave Griggs: Yes.

Mr. McConnell: But in this situation, those don't apply.

Dave Griggs: Correct.

Mr. McConnell: Thank you.

Comment #9: NYSDEC Region 3 has no further issue (e-mail of 10/30/18) with the property or actions taken.

Comment #10: The work conducted/proposed would not trigger the need for any Federal/Corps permit for wetlands or watercourse disturbance.

Comment #11: Applicant should provide NRCS soils data for the site and identify soil types and Hydrologic Soil Groups and include soil description / behaviors.

Dave Getz: Will do.

Comment #12: Applicant to provide additional contour lines, grading notes and details on the Site Restoration Plan Sheets 1 and 2. Notes shall include estimates of soil removed from site or material brought to the site.

Dave Getz: Will Do:

Comment #13: Notes shall be added to the plan clarifying how the large soil pile, cut trees, and boulders will be managed. If cut soils are to be managed on site, provide a stockpile protection detail in accordance with the NYSDEC Standards & Specifications for Erosion & Sediment Control.

Dave Getz: Will do. We are planning to use the boulders and soils that are stockpiled on site on the plan. They are not intended to be removed from the site.

Comment #14: Applicant to indicate who is performing inspections and maintenance on the post-construction stormwater management practices (rain gardens). Prepare an Operations and Maintenance Plan that includes schedules and actions to ensure effectiveness of this practice.

Dave Getz: Ok.

Comment #15: Per the New York State Stormwater Management Design Manual Section 5.3.7, a single rain garden should be designed to receive sheet flow runoff or shallow concentrated flow from a total contributing drainage area equal to or less than 1,000 sq. ft. Applicant to confirm if additional measures are required to ensure functionality of the rain gardens, or whether they are an appropriate stormwater management practice.

Dave Getz: We will take a look at that one with Laura. The most important aspect of that drainage area is the amount of impervious within that drainage area.

Mr. Astorino: We discussed that at the Work Session.

Dave Getz: If we need to, we could split that into smaller rain gardens. We will address that.

Laura Barca: Ok.

Comment #16: Confirm if tree protection is required (i.e., the 52" dia. oak to remain near the proposed septic). If used, include a detail on sheet 2.

Dave Getz: Yes.

Mr. Astorino: It is. The rest of them are cut. We understand that. That is the one I believe are specie trees.

Dave Getz: Yes. We will add that detail.

Comment #17: Applicant to indicate if any infiltration testing has been performed for the rain garden locations to verify adequate soil drainage. Appendix D of the NYS Stormwater Management Design Manual outlines field percolation testing requirements.

Dave Getz: We have not done those yet. Will do.

Comment #18: Please add notes to add topsoil and seed to necessary areas. Indicate what type and frequency of soil testing is required per Soil & Erosion Control Note 3.B on Sheet 2- Details & Notes.

Dave Getz: Ok.

Comment #19: Clarification that soil placement near Ryerson Road adjacent to 40-1-69 is sufficient to remain (or provide stabilized solution).

Dave Getz: We will address that.

Comment #20: Clarification that other areas where the soil is or was recently steeply sloped have been sufficiently stabilized.

Dave Getz: Some of those areas have not been. There are not any significant heights to those areas.

Mr. Astorino: There was a Stop Work Order. Nothing can happen until this can proceed.

Dave Getz: Right.

Comment #21: Landscape plans should include planting details, such as tree planting and staking, tree protection details for trees to remain. Seed mixture information should be provided, such as type of wildflower meadow mix, installation notes, seeding rates, maintenance plan.

Karen Arent: Yes.

Comment #22: Planting plan includes symbol BnH, Bnh, and CrA; please include in planting list to identify.

Karen Arent: I took care of that.

Mr. Astorino: This is all of their acronyms. Laura, do you want them to clarify them?

Laura Barca: Yes.

Karen Arent: They were not included on this plan. They will be included on the next submission.

Laura Barca: Ok.

Comment #23: There is a tree on the northern corner of the fenced lawn with no symbol to identify, please include.

Karen Arent: That will be taken off the plan.

Comment #24: The Landscape Plan should include a north arrow.

Karen Arent: Ok.

Comment #25: On the Landscape Plan, Planting Note #13 references a Grading Plan. Some grading appears to be shown on Sheet 1; however, the existing and proposed grading for the large mound of soil does not appear to be shown.

Dave Getz: We will get that.

Comment #26: On the Landscape Plan, Planting Note #16, add “at the direction of the Landscape Architect.”

Karen Arent: Ok.

Comment #27: On the Landscape Plan, Planting Note #23, provide seed mixture schedule as noted.

Karen Arent: Ok.

Comment #28: On the Landscape Plan, Planting Note 4, please update the one-year survivability to three years.

Karen Arent: Ok.

Comment #29: Applicant should consider replacing trees removed on adjacent parcels, with property owner permission. If permission is not granted, it should be noted on the plans.

Mr. Astorino: That is an issue that will be taken up between the two property owners. As of right now, the Planning Board cannot instruct you to go put trees on other people’s property. That is not the Planning Board’s deal.

Comment #30: It is noted on the Landscape Plan that the edge between lawn and wildflower meadow mix to be field determined. This edge should be proposed now or noted on a record plan or as-built, in order to demonstrate that the wildflower area will be maintained; this is important to return the area as wildlife habitat.

Karen Arent: Ok.

Dave Getz: Karen, what do you think would be the best to do? Should we do it as an As-Built determination?

Karen Arent: Will there be a need for an As-Built plan?



Dave Getz: They would need it for a foundation survey. Once that happens an As-Built would have to be done.

Karen Arent: It would be great to do it in the field.

Dave Getz: You would want the flexibility then as opposed to determining it for sure at this time.

Karen Arent: Yes.

Comment #31: The tree removal plan should be made a full-size and included in the plan set. There should be a table added including a tree number, species, and size. This plan should also include the "approved" limits of disturbance from the 2016 septic plan.

Mr. Astorino: We got that.

Dave Getz: We did not make it full size. Dave Griggs went out. He GPS tree locations. He put together a table as requested.

Mr. McConnell: This indicates that there were trees removed outside the originally permitted area of disturbance. There were no trees removed from the revised outside limited of disturbance. Is that correct?

Dave Getz: When you say revised, that is the current limits of what was disturbed.

Mr. McConnell: On this map, this is the limit of disturbance line that you suggested is now...

Dave Getz: Yes. That was surveyed.

Mr. McConnell: There were no trees removed outside of this. Is that correct?

Dave Getz: Looking at the map, there is one shown right near the edge.

Mr. McConnell: That is right near the neighbor's property line. Is that correct?

Dave Getz: Yes. The Surveyor picked up this limit of disturbance. He may not have included a place where a tree was cut but no ground was disturbed.

Mr. McConnell: Ok. But the ground would have to be disturbed to remove the stump.

Laura Barca: The stump is there.

Dave Getz: Yes. You are right.

Mr. McConnell: It will have to be at some point. Thank you.

Comment #32: Applicant to clarify the Best Management Practices in Sheet 1, Note 12.

Mr. Astorino: The 3 that we pointed out are tree planting and reduction of driveway length. The original subdivision plan had the house way back by the 52" oak tree. The 3<sup>rd</sup> one is by the rain gardens.

Comment #33: Site plan to demonstrate that the driveway configuration allows for a car to turn around when exiting the garage. Include dimensions for the driveway and a driveway profile.

Dave Getz: Will do.

Comment #34: Surveyor to certify that iron rods have been set at all property corners.

Dave Getz: Ok.

Comment #35: Provide anticipated restoration schedule, including site grading, topsoil placement, and landscaping installation.

Dave Getz: Ok.

Comment #36: Landscape Bond and site inspection fees are required for this project. Applicant to submit estimate for the cost of the landscape plantings.

Dave Getz: Will do.

Comment #37: Payment of all fees.

Dave Getz: Ok.

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

Mr. McConnell: Regarding Comment #35, provide anticipated restoration schedule, we had seen since this first arose the continuous rain has delayed things. I was wondering if that restoration schedule would also include how long each segment would take. That way we are not wedded to a date certain that can't be.

Mr. Astorino: You want it to be done. You want it to survive. To go in there now and have them seed it, then it rains for 8 days straight it would sort of be counterproductive.

Mr. McConnell: But, if Dave gives us a schedule that says by May 13<sup>th</sup> and it is a very wet spring, then May 13<sup>th</sup> is going to slip. I would like to have something besides just that date. I would like to know something like this would take 10 days provided we have working weather. What I am asking for is more detail.

Dave Getz: Ok.

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

John Ziobro: I am an Attorney in Warwick. I represent Mr. and Mrs. Kuhta who are the property owners who were affected that had trees knocked down on their property from the actions of the Applicants that are here. Some of the concerns looking at the plan that is on their property, we don't think there is nearly enough trees and the size of trees that are necessary for a remediation plan. What I see here is more of a landscaping plan. I see somebody that cleared cut their lot. They knocked down probably 50 to 100 different size

trees. Now they are putting up 18", 24", 2-1/2' trees instead of larger trees which would be more into the nature of what was on this lot before they went ahead and did this. I think what has happened here is somebody is looking for forgiveness instead of permission here. I think this is someone that wanted to have a cleared cut lot. They wanted a nice leveled lot. They ignored the Town rules. They went in and did what they wanted. Now they are saying we will do what is necessary in order for a remediation plan. When you are looking at the plan at the style and location of the trees, to me it looks like a pretty standard landscaping plan not a remediation plan. To me, it is not a remediation plan of a lot that was mostly growth of trees. We think there are better ways to get this done. We think you could look at the aerial photographs of the neighboring lots and the area in general to get a good picture and idea of what was on this property before this took place. We think that should be borne by the Applicant in order to get a better look at to what was going on. We do know exactly on our property not only there were stumps and trees cut down, the trees were taken and the stumps were removed and then regraded. It is hard to tell as to how many trees were on the lot prior to the acts of I am assuming was the company that had done the site work. Looking at the lot to determine what was removed and not removed, we think some type of aerial review should be done of neighboring and like-minded lots right in that general area. That way you could get a good picture of it. On behalf of the Kutha's they don't think what your planning is anyway near sufficient enough to bring this property back to what it was even close to as it was before prior to their action. They wanted a flat lot. They took the dirt and pushed it over to a large part of my client's property so that now they have a nice convenient place for their pool. They did this saying they did not know. Nobody buys that. My Client's don't buy that. Everyone knows when you buy a house or a lot there are rules and regulations to follow. You have to follow them. You just can't go in and clear cut a 5-acre lot of land. We do have an Arborist that came out to our property to do a survey of what was removed from our portion of the property.

Mr. Astorino: The Planning Board was out to the site. This is a question that maybe you or your clients can't answer it tonight. We as a Planning Board cannot order an Applicant go onto someone else's property. If there is other litigation, then that is fine. That would be on either you or your client's behalf. That would work itself out at a later date. As far as the Planning Board, we can't say go put 8 trees over there and expect your clients to allow it. We will not do that. We will not entertain that until we get word from them. That is not our position here.

John Ziobro: I understand that. I have told my clients that. That is fine. We are going to get a report from our Arborist. Hopefully we will have that within the next week or two. We will look at that. After we review that, we will decide what action we would like to do including whether or not we share that with you and the Giantonio's on what can be done to restore our property.

Mr. Astorino: We have been out there numerous times. There is no way you are going to restore this property. I could have every aerial picture in the world. We talked about it at the Work Session. There is no way you could restore his property to the way it was before. It is not going to happen in anyone of our lifetime. That is a given. What we are doing as a Board is taking what we can do is to restore it to the best of our ability. This Board does not do enforcement. This Board does not do fines. We don't do that. There was an issue brought before us. Let us not kid ourselves. We are not putting back 80 year old trees or 80-foot tall trees. We did have at our Work Session in depth conversation with the Landscape Architect about trees and survivability. I made some calls myself to local nurseries on what would survive the best in this area. As a Board we want something that would go out there and survive.

John Ziobro: Another thing that we are concerned with is the number of proposed trees out there that we had seen were 33 trees. Most of them they want is between 1 to 2.5 feet. I went off the plant list sheet that we got. Did it change?

Karen Arent: It did not change. The size of the caliper is 2 to 2.5 inches caliper. That is measured at the diameter. They are about 14 feet tall. Regarding the 2 to 2.5 inch caliper, it is species dependent. The oak trees grow slower than other species. They would be approximately 12 to 14 feet tall. The maple trees grow faster. They will be approximately 14 to 16 feet tall.

Mr. Astorino: That would be as planted.

Karen Arent: Yes.

John Ziobro: Ok. The other issue my clients were concerned about was the 3-year warranty. They were hoping for a longer warranty on these types of issues.

Mr. Astorino: That would be a bond. It is in the Town Code as a 3-year landscaping bond. The Board could discuss that if we feel it should be made longer.

John Ziobro: Ok. We would request that it would be made longer. We feel that there should be far more trees than what is proposed.

Mr. McConnell: As an attorney, you had done some research on this with the idea that it would become a litigious matter.

John Ziobro: Yes.

Mr. McConnell: What is your read of how many trees would have been permitted to be removed without running afoul of the Town Code?

John Ziobro: I am not sure. I thought there was a minimum area of disturbance of 10% that you are allowed to do for a property.

Mr. Astorino: There is a limit of disturbance.

John Ziobro: There was a 10% figure.

Mr. Bollenbach: It is ¼-acre or 10%.

Mr. McConnell: Ok. I am just curious as to how many trees they could have taken down and how many more did they take than what your read is of them?

John Ziobro: We believe they took down approximately 50 to 100 trees. Nobody was looking at their property and taking pictures of it thinking the next day they would all be gone.

Mr. Astorino: We have the aerials. We had looked at them. Looking at the aerials, you can tell that there were big trees taken down. We had seen them. We had seen the stumps. They are there. We had walked that property everywhere. There were trees. Now they are down. Some of them were taken down within the area of disturbance of where their proposed house site was going to be. Some of them were not. That is why they are before

the Planning Board. We have the aerials. It shows that it was a wooded lot. It was covered with some nice trees and underbrush. It was covered. That is why they are before us.

John Ziobro: Ok. My clients just want to make sure that enough is done. I want this Board to understand that my clients will have to live next door to this for the next 20 to 40 years of their life. We understand that the property won't be brought back to its original state. You have one shot to do this. Once the approval from this Board is granted, it is granted.

Mr. Astorino: There will be inspections done as we had noted. Our Town Planner and Engineer will be onsite as this is being done. It will be adhere to.

John Ziobro: There is no doubt. I know that the enforcement and inspections are fantastic in this Town. What I am saying is that once you approve a plan that is the plan.

Mr. Astorino: We understand that.

John Ziobro: That was why my clients wanted me to come tonight to make sure the plan is as robust and as well as it could be.

Mr. Astorino: As I had pointed out earlier, the Conservation Board came back to us with comments. I don't think this Board had any issues with saying yes, we will add more trees.

John Ziobro: Ok.

Mr. Astorino: We talked about adding more shagbark hickory, silver maple and white oak trees to this plan. There is a limit. They are going to build a house on this lot. That is part of it. It is a buildable lot.

John Ziobro: Ok. Just to close this up, my clients wants this plan to be as robust as possible. That is the best way I could phrase it. What it comes down to is that this plan is not as robust as possible to their liking. Thank you.

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

Donna Martin: I live on 123 Ryerson Road. What is the time table for the plantings?

Mr. Astorino: It won't be now. Even if Planning Board approval was granted tonight, there will be conditions that would have to be met. There will be fees that would have to be put into place. It would have to be done at a time when it could be done properly. If you try to go in there now when it is so wet, you will make a mess. That is why we are adding site inspection fees. As Mr. McConnell pointed out, we want a table that would be flexible. But if it is pouring rain out, you can't expect them to do a horrible job. We don't want that. When this is done, we want it done correctly.

Mr. McConnell: We want the trees that are planted to survive.

Donna Martin: Will there be inspections?

Mr. McConnell: Yes.

Mr. Astorino: Yes.

Donna Martin: How does that work?

Mr. Astorino: There will be periodic inspections by our Professionals; our Engineer and Planner. The standard is 3-year landscape bond in this Town. That is the Code. If the Board wishes to extend that, we could do that. There would be a bond put in place. The Applicant would have to provide a bond to the Town. For example; a silver maple tree dies. It would have to be replaced within the 3-year bond period. We are hoping that after the 3-year period the trees have survived.

Mr. Bollenbach: Currently there is a requirement that the Applicant's Engineer perform weekly inspections to certify the stability of the site the soil erosion.

Donna Martin: It is really eroded. There are pools of water there.

Mr. Bollenbach: There are certifications that their Engineer provides weekly. The Town reviews that. That is an ongoing obligation on their part.

Mr. Astorino: We had asked the Applicant to seed that lot about two month ago. That rain we had was so bad. To put seed down would have been a waste. There was a Stop Work Order. Even if you went in there to try to grade that, it would have been a mess. As a Board, we looked at it as that we don't want any more of a mess.

Mr. Bollenbach: There were emergency measures that were put in place. We have silt fences that were put into place.

Donna Martin: What about the big uprooted trees?

Mr. Astorino: They will have to come out.

Donna Martin: Are they going to be there all winter long?

Mr. Astorino: Yes. But if and when approval is granted and the ground is frozen, they could go in and pull them out. That may be the time to do it without tracking dirt and mud on the road.

Donna Martin: It is really upsetting to walk out your door and see this.

Mr. Astorino: We have all seen it. I will say that the Applicant has provided to us everything that we had asked for. We are trying to move this along as fast as they can to do this. As of right now, they have no authority to go in there and do anything. Until there is an approval granted, they cannot do anything. If an approval is granted, then they would have to meet all of these conditions that we have read. After that, the maps would get signed. Then they could go in there weather permitting. But if it is February and the ground is clear, then they could start pulling the stumps out. They would notify our Professionals. That is our assurance that it will be done properly.

Donna Martin: But the way they left it before all the frost and everything...

Mr. Astorino: It was not left. There was a Stop Work Order. They were ordered to stop.

Donna Martin: Oh. Ok. Thank you.

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

Drew Ackerman: I live directly across. Why did it happen? They went in there and did what they wanted. They didn't ask for approval.

Mr. Astorino: Honestly, they went in there and cut them down. That is why they are here. I can't give you a reason why they did it.

Drew Ackerman: They did not have an approval from anyone here. Is that correct?

Mr. Astorino: They had an approval to build a home.

Drew Ackerman: Ok. So they were under the impression that they could do what they want. Is that correct?

Mr. Astorino: I am not going to put words into anyone's mouth.

Drew Ackerman: How is this not going to happen again in Warwick? I was born and raised here. I have never seen such a mess.

Mr. Astorino: I was also born and raised here. I will tell you that This Board does not do enforcement. They are here before us because they did this. We do not write the Code. We do not enforce any fines, courts, or anything like that.

Drew Ackerman: So there is no penalty for doing that. Is that correct?

Mr. McConnell: No. That is not necessarily true. You are at the wrong place for that.

Drew Ackerman: Ok.

Mr. Astorino: I can't give you that answer.

Drew Ackerman: Ok.

Mr. McConnell: You see that we are a Board and we are talking like rational people. Do not think for a moment that things like this or other situations where people have gone beyond their limits of authorization or their permit that it doesn't aggravate us to a large degree. We are angry. Our hands are tied. It is our job to take the plans that are submitted to us and compare them to the Code that is adopted by the Town Board and voters and apply that to the project. Do we feel frustrated that we can't slap somebody on the hand? Yes, we do. We all live in Town. We feel your frustration. We are only hoping by our actions that what ends up there won't be a continual thorn in your side.

Drew Ackerman: Right. I appreciate that.

Mr. McConnell: I apologize for not being able to do more than that. That is the limit of our authority. Mr. Chairman, do you agree?

Mr. Astorino: Yes. What we do as a Planning Board is that we make sure things are done to the best of our ability. As of right now, everything we have asked for from the

Applicant, we have received as far as what happened. When this is all done, you can be sure it will look a lot better. That is our goal here. When you drive by, it will not look like an eye sore.

Mr. McConnell: I will tell you personally, do I wish we could do more? Yes. But my hands are tied. I don't have that authority. We move on to do the best we can.

Drew Ackerman: Ok. Thank you.

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

Dave Getz: On behalf of the Applicant, we discussed that maybe we could offer some mitigation. We don't think it is appropriate to put more trees on the plan than what we have. The Town's Shade Tree Commission has a limited budget to plant trees in public places like Town Parks and the Town's Right-Of Ways. The Applicant is willing to make a contribution to the Shade Tree Commission that would lead to more trees being planted on public property.

Mr. Astorino: Ok.

Mr. Bollenbach: I will convey that to the Town Board.

Dave Getz: Thank you.

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

Laura Giantonio: I would like to say something. I don't know if everyone knows the whole story. My neighbors have ill will towards my husband and I. If you don't know the story, you shouldn't make assumptions of what people's intentions are. I have a feeling that we are looked at upon people that don't abide by the rules. Neither one of us ever had a parking ticket or speeding ticket. We abide by the rules. What the situation is that we had bought the property. We had planned on to build in the spring. We always abide by the rules. We had some personal issues that took place this fall. My Father had passed away. My Mother had to move into my home which we didn't plan on happening. My Mother is elderly. She has fallen many times. My house is not prepared for an elderly woman. It has one staircase going up. Haste makes waste. We had said to ourselves let us clear the lot and get prepared for the spring. That way mom could have a safe place to live in a fast manner. Haste makes waste. We have learned that. We had contacted a few different tree companies. My husband is very diligent. He is intelligent. He is not evil. He did not have any bad intentions. He called a few different tree companies. A very reputable one that was more expensive than the rest because we wanted to do it property. They told him that we did not need permits to take down any trees. Maybe we should have done more do diligent. We were in a rush. We wanted to clear the lot for the spring so that we could build right away so that my mom doesn't fall down the stairs and dies. We hired a tree company that we trusted. They are reputable throughout Warwick and New Jersey. We trusted them. They came in and took the trees down. Nobody stopped us. Nobody had said a word. There was nothing. If anyone cares to know that the lot was not a beau colic paradise. It was an overgrown lot with trees and brush. There were trees that were dead. It was not a beau colic paradise to look at. We had a Surveyor that knew we could clear. As we were starting to get involved in it, we were told that there were black walnut trees on the property. My son is highly allergic to black walnut trees. He could die from black walnut trees. He almost had died from it when he was a child. I am sorry that I was



protecting my son and my mother when we had made these decisions. We had no ill intent whatsoever. We did not try to do what we wanted to do and apologize later. I am absolutely offended by that statement from my neighbors and everyone. Not one of my neighbors came up to me as a human being and asked what we were doing. There was nothing. They decided that we were evil people and we should be punished. I take extreme offense to it. There was no ill will. I have a son and mom that I was trying to protect. We made a mistake. The day the tree company that came and cut down my neighbor's trees, I fell down and got hurt. My husband who was out at the property every day during the tree cutting, it was on that day that I fell. He had to stay home to take care of my mother and myself. It was on that day the tree company somehow went over and cut down my neighbor's trees. As soon as we found out, I was still impeded and hurt, we went over to the neighbor's house to apologize. They kicked us out of the house. They called us criminals. They said that they would see us in Court. They had nothing to discuss. They cried as to what we had done to our property as if it was their property. We tried to apologize to the neighbor for the tree company cutting down their trees. We wanted to donate money to a charity. We would have done anything that they would have requested for us to do on that day. We would have given money, donations, trees, etc... They wanted nothing to do with us. They called us criminals. They told us that they would see us in Court. We decided to keep our mouths shut. Everyone is angry at us. We said let's try to fix this. That is why we are here today. We are trying to do everything we can. We have always abided by the rules. We made a mistake. Can we please just move on with this? It will be beautiful when it is done. Thank you.

Mr. Astorino: Does anyone have any questions for the Applicant?

John Ziobro: Is there anything that is going to be done to restore the topography?

Mr. Astorino: Yes.

John Ziobro: Is it going to be flat? We did not talk about the topography.

Mr. Astorino: Yes. Our Engineer will review that plans that have been submitted as far as the contours and the topography as to what materials will be brought in and not brought in. That will all be done to make sure there would not be an issue.

John Ziobro: Is it going to be restored back to its pre-clearing.

Mr. Astorino: It will be done to as much as we can.

John Ziobro: Ok.

Mr. Astorino: I don't believe there was material removed from the site. It was moved around on the site.

John Ziobro: Ok.

Mr. McConnell: It will be done as to a building lot.

John Ziobro: I agree.

Mr. McConnell: Where the house will be going that will be flat.

Mr. Astorino: That is right. There will be more disturbance as to where the house will be built.

Mr. McConnell: The lane that is supposed to be the driveway, you cannot expect to have a hump in that. I don't know what your property looks like whether it has the original contours or whether when they were preparing the site they made it more uniform. I am not saying flat. I am saying more uniformed.

Mr. Astorino: It is not uniformed right now. It has to be corrected.

Mr. Bollenbach: It is the existing and proposed grading that has to be provided. We have that in Comment #25. The Applicant will be providing that to us. We will be reviewing that.

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

Don Giantonio: I just wanted to apologize to anyone that was offended. I would be equally offended as everyone is. I know that my wife is a bit more emotional than I am about this. It was a mistake. We recognize that. We will do whatever is necessary by anyone that is directly involved with the property to make it up to them. I hope we could all be on the same page with Mr. Ackerman that is across the street and our other neighbors that are upset with us. I would love nothing better than to sit down and work out a plan that would make sense to everyone.

Mr. Astorino: This plan goes through us. If there is something you would wish to discuss with your neighbors at a later date then you should do so. That would be something you could do on your own. This is our review. This is where we are.

Don Giantonio: Right.

Mr. Astorino: We did add more trees this evening. I don't know if the Board or Professionals have any questions or comments on the plan as it states. I think we are all right with it.

Don Giantonio: Whatever you need for us to do, we will do. We have been doing everything that you have asked us to do. Thank you.

Mr. Showalter: I am fine with what I see as a remediation plan for what Mr. and Mrs. Giantonio proposes. I think the neighbors have to understand that it is a construction site. I do think that the Giantonio's contractors had made an error. Mrs. Giantonio had said that they would make amends. In my years with being on the Board, I have never seen an Applicant come to the Board to try to rectify a problem like this by saying they would donate to the Shade Tree Commission and more. I am sure they are very upset. I am upset that they encroached on the neighbor's property. That was the biggest mistake. That is between the Applicant and the neighbor's Attorney to work out. I hope that it would come to a good ending. I personally would like to congratulate Mrs. Giantonio for sticking up for her family on doing what she thinks is right. I personally think there is somewhat of an overreaction amongst everyone here in this room. That lot is a mess. It was a mess. I don't see any beautiful specimen trees like oak trees like the one they have in the Village that is over 100 years old. They just cut one down that George Washington stayed on over by the Provident Bank. I don't think there was a huge crime done by a man that wants to put up a

house on his lot. I built my own house Mr. Giantonio. I cleared my land myself. I don't have a problem with someone clearing their own property. I do wish that you all could come together and make it all work out. I wish you the best of luck. I hope the neighbors can understand that Mr. Giantonio wants to build his house just like when Dr. Drew built his house and the other neighbors had done so as well. I hope everyone can all come together and make everything work. I wish you the best of luck.

Don Giantonio: Thank you.

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

Mr. Bollenbach: We are still in the process of collecting information.

Mr. Astorino: As far as what?

Mr. Bollenbach: They are going to be providing a topography plan and supplemental landscaping. Does the Board want to adjourn the public hearing to a specific date?

Mr. Showalter: No. I think we should keep this moving.

Mr. Astorino: I think moving forward with this would make more sense. John, if there is a window to remove this stuff and clean it up, I think it would make more sense to keep it moving. We are talking about adding trees and about the topography. We know what is on the lot. If we get a window in there to get it done, I think it should start. That is my opinion. I don't think holding it over is going to change the situation whatsoever.

Mr. Showalter: I think it is ridiculous to hold it over.

Mr. Astorino: We need to keep this moving along.

Mr. Showalter makes a motion for the Negative Declaration.

Seconded by Mr. McConnell. The following Resolution was carried 4-Ayes.  
617.12(b)

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

**Name of Action:** Giantonio Site Plan

**Whereas**, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed Site Restoration Plan, Town of Warwick, Orange County, New York, and

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

**Whereas**, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 10/17/18, 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: I want to make it clear that what the Negative Declaration is saying is that this plan the action that has brought us here today that we are issuing a Negative Declaration.

Mr. Astorino: Of course. They are here because of the action.

Mr. McConnell: I just wanted to make sure that it is on the record that if I vote for this, it is for the restoration plan not for the original action that brought us here.

Mr. Astorino: Yes.

Mr. McConnell makes a motion to close the public hearing.

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

Mr. Astorino: We need a consensus from the Board regarding does the Board want to change the landscape bond from 3 years to 5 years?

Mr. McConnell: Let's do 5 years.

Mr. Showalter: 5 years.

Mr. MacDonald: 5 years.

Mr. Astorino: Ok. We have a consensus from the Board on changing the landscape bond from 3 years to 5 years.

Mr. Showalter makes a motion on the Laura Giantonio application, granting Site Plan Approval for the construction and use of "Chapter 150" Excavation and Restoration of clearing of trees, situated on tax parcel S 40 B 1 L 70; project located on the southern side of Ryerson Road 900 feet east of Blooms Corners Road (119 Ryerson Road) in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on December 5, 2018. Approval is granted subject to the following conditions:

1. A number of large trees (on the Applicant's sketch and stumps visible in the photos) were cleared during the no-clearing window for Indiana and long-eared bats.
2. U. S. Fish & Wildlife Service's Information for Planning and Conservation website (IPaC) lists both Indiana (federally endangered) and Northern long-eared bats (federally threatened) as being potentially present.
3. NYSDEC Region 3 has no further issue (e-mail of 10/30/18) with the property or actions taken.
4. The work conducted/proposed would not trigger the need for any Federal/Corps permit for wetlands or watercourse disturbance.
5. Applicant should provide NRCS soils data for the site and identify soil types and Hydrologic Soil Groups and include soil description / behaviors.
6. Applicant to provide additional contour lines, grading notes and details on the Site Restoration Plan Sheets 1 and 2. Notes shall include estimates of soil removed from site or material brought to the site.
7. Notes shall be added to the plan clarifying how the large soil pile, cut trees, and boulders will be managed. If cut soils are to be managed on site, provide a stockpile protection detail in accordance with the NYSDEC Standards & Specifications for Erosion & Sediment Control.
8. Applicant to indicate who is performing inspections and maintenance on the post-construction stormwater management practices (rain gardens). Prepare an Operations and Maintenance Plan that includes schedules and actions to ensure effectiveness of this practice.
9. Per the New York State Stormwater Management Design Manual Section 5.3.7, a single rain garden should be designed to receive sheet flow runoff or shallow concentrated flow from a total contributing drainage area equal to or less than 1,000 sq. ft. Applicant to confirm if additional measures are required to ensure functionality of the rain gardens, or whether they are an appropriate stormwater management practice.
10. Confirm if tree protection is required (i.e., the 52" dia. oak to remain near the proposed septic). If used, include a detail on sheet 2.
11. Applicant to indicate if any infiltration testing has been performed for the rain garden locations to verify adequate soil drainage. Appendix D of the NYS Stormwater Management Design Manual outlines field percolation testing requirements.
12. Please add notes to add topsoil and seed to necessary areas. Indicate what type and frequency of soil testing is required per Soil & Erosion Control Note 3.B on Sheet 2-Details & Notes.
13. Clarification that soil placement near Ryerson Road adjacent to 40-1-69 is sufficient to remain (or provide stabilized solution).
14. Clarification that other areas where the soil is or was recently steeply sloped have been sufficiently stabilized.
15. Landscape plans should include planting details, such as tree planting and staking, tree protection details for trees to remain. Seed mixture information should be provided, such as type of wildflower meadow mix, installation notes, seeding rates, maintenance plan.
16. Planting plan includes symbol BnH, Bnh, and CrA; please include in planting list to identify.
17. There is a tree on the northern corner of the fenced lawn with no symbol to identify, please include.
18. Additional Shagbark Hickory, Silver Maple, and White Oak will be installed to the Town Planner's specifications.

19. The Landscape Plan should include a north arrow.
20. On the Landscape Plan, Planting Note #13 references a Grading Plan. Some grading appears to be shown on Sheet 1; however, the existing and proposed grading for the large mound of soil does not appear to be shown.
21. On the Landscape Plan, Planting Note #16, add “at the direction of the Landscape Architect.”
22. On the Landscape Plan, Planting Note #23, provide seed mixture schedule as noted.
23. On the Landscape Plan, Planting Note #4, please update the one-year survivability to five years.
24. It is noted on the Landscape Plan that the edge between lawn and wildflower meadow mix to be field determined; this edge will be noted on a record plan or as-built. The purpose of the edge between the lawn and wildflower meadow will be maintained; this is important to return the area as wildlife habitat.
25. The tree removal plan should be made a full-size and included in the plan set. There should be a table added including a tree number, species, and size. This plan should also include the “approved” limits of disturbance from the 2016 septic plan.
26. Applicant to clarify the Best Management Practices in Sheet 1, Note 12.
27. Site plan to demonstrate that the driveway configuration allows for a car to turn around when exiting the garage. Include dimensions for the driveway and a driveway profile.
28. Surveyor to certify that iron rods have been set at all property corners.
29. Provide anticipated restoration schedule including length of time for each task, site grading, topsoil placement, and landscaping installation.
30. Landscape Bond and site inspection fees are required for this project. Applicant to submit estimate for the cost of the landscape plantings. Provide 5-Year Landscape Maintenance Bond.
31. Provide declaration for maintenance of stormwater management practices to the Planning Board Attorney’s specifications.
32. Payment of all fees.

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

Mr. Astorino: For the record, there is no work to start until all of these comments have been addressed and the maps are signed off.

Dave Getz: Ok. Thank you.

**PUBLIC HEARING OF St. Stephen's the First Martyr Church**

Application for Site Plan Approval for the construction and use of a meditation garden, 2,200 s.f. fellowship hall, a 525 s.f. community room, additional parking spaces and walkways, as well as interior upgrades to St. Stephen's Church, situated on tax parcel S 42 B 1 L 49; project located on the northern side of West Street Extension 0 feet west of St. Stephen's Lane (75 Sanfordville Rd), in the SL zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Chris DeHaan, Architect.

Connie Sardo: Mr. Chairman, we have received the certified mailings for the St. Stephen's public hearing.

Mr. Astorino: Thank you.

The following comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – 12/05/18 no comments.
4. Architectural Review Board – 12/05/18 Size, scale, and materials specified are in keeping with the Town Codes and are harmonious with the existing building. Additional signage design will need to be submitted to the Town, if visible from the road.
5. OC Planning Department – 07/18/18 advisory comment for permeable pavers
6. TW Building Department – 07/05/18 open permits for re-roof (20105), sign (20444), and shed (25276). 12/05/18 Two permits have been closed (re-roof and sign).
7. Sheet 1, Note 14 shows one 911 address. Applicant to update 911 addresses: church – 75 Sanfordville, school – 224 West Street, & Parish – 73 Sanfordville.
8. Sheet 4 of 5, the Landscape Plan, General Planting Note 1 provides a one-year plant guarantee; please revise this note to provide a three-year plant guarantee.
9. Applicant to clarify if landscaping is being installed in the "Proposed Garden" area.
10. To be able to confirm that the correct number of handicapped spaces are included, the Applicant should label or identify which existing spaces are handicapped and the total number of spaces provided.
11. Applicable declaration information must be added to the plans.
12. Surveyor to certify that iron rods have been set at all property corners. Applicant is requesting waiver.
13. Applicant to provide Performance and/or Landscaping bonds and/or site inspection fee, if applicable.
14. Payment of all fees.

The following comment submitted by the Conservation Board, dated 12/5/18:

St. Stephen's the First Martyr Church – No comment.

The following comment submitted by the ARB, dated 12/5/18:

St. Stephen's the First Martyr Church – The proposed addition has been designed to integrate with the existing church structure while allowing for the meditation garden between the two. Size, scale and materials specified are in keeping with the Town codes and harmonious with the existing building.

Additional signage design will need to be submitted to the Town for approval if it is visible from the road.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board had classified this application as a Type 2 Action. No SEQRA review is necessary.

Comment #2: Applicant to discuss project.

Chris DeHaan: St. Stephen's Church is proposing to add on an annex to their existing building. They also propose additional parking on the Sanfordville Road side of the property. The addition will look like the continuation of the original building. That way it will look like it was always part of it.

Mr. Astorino: That makes sense.

Comment #3: Conservation Board – 12/05/18 no comments.

Comment #4: Architectural Review Board – 12/05/18 Size, scale, and materials specified are in keeping with the Town Codes and are harmonious with the existing building. Additional signage design will need to be submitted to the Town, if visible from the road.

Mr. Astorino: If there is additional signage, that would go through us.

Comment #5: OC Planning Department – 07/18/18 advisory comment for permeable pavers.

Dave Getz: We are proposing to use them.

Mr. Astorino: I would not. They are horrible in this area in the wintertime.

Mr. Showalter: Yes.

Mr. Astorino: They freeze and thaw. You would have to plow over them. They would come up. That is not a good idea.

Comment #6: TW Building Department – 07/05/18 open permits for re-roof (20105), sign (20444), and shed (25276). 12/05/18 Two permits have been closed (re-roof and sign).



Chris DeHaan: I think there is one permit open there for the shed. I will find that out.

Comment #7: Sheet 1, Note 14 shows one 911 address. Applicant to update 911 addresses: church – 75 Sanfordville, school – 224 West Street, & Parish – 73 Sanfordville.

Dave Getz: Will do.

Comment #8: Sheet 4 of 5, the Landscape Plan, General Planting Note 1 provides a one-year plant guarantee; please revise this note to provide a three-year plant guarantee.

Dave Getz: Ok.

Comment #9: Applicant to clarify if landscaping is being installed in the “Proposed Garden” area.

Chris DeHaan: That is not proposed at this time. It is a garden that no one would see.

Mr. Astorino: It is a garden that would be used by the parish. Is that correct?

Chris DeHaan: Yes.

Mr. Astorino: It could be a vegetable garden.

Chris DeHaan: No. It is not a vegetable garden. It is a meditation garden with perennials and annuals.

Comment #10: To be able to confirm that the correct number of handicapped spaces are included, the Applicant should label or identify which existing spaces are handicapped and the total number of spaces provided.

Dave Getz: Ok.

Comment #11: Applicable declaration information must be added to the plans.

Dave Getz: Ok.

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

Mr. Astorino: That makes sense.

Comment #13: Applicant to provide Performance and/or Landscaping bonds and/or site inspection fee, if applicable.

Dave Getz: Yes.

Comment #14: Payment of all fees.

Dave Getz: Ok.

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

Tom DeKoker: I have no objections to this project. I live across the street. My concern is the conduct of the construction company of the workers that will be working there that they won't observe the private properties that surround the Church. I just went 2 years of construction when they did the High School. They ran amuck in my neighborhood. They were on my property smoking. I had to throw them off my property numerous times. I went to the school. I complained to the school. They had done nothing about it. I almost had to get an Attorney. I got some good advice from some people. I ended up talking to the Town Supervisor, Mike Sweeton. He got this problem resolved right away. I should have went to him first. My main concern is who would be responsible for the construction workers? The school would not take any responsibility.

Mr. Astorino: Dave, make a note on the plan...

Tom DeKoker: This is a non-smoking State. You can't smoke cigarettes anywhere on a work site in the State. I am a retired Union Carpenter of 45 years. I have built banks, schools, libraries, and hospitals. I know the deal.

Mr. Astorino: Tom, we will put a note on the plan about the construction.

Dave Getz: We could require a pre-construction meeting.

Chris DeHaan: It is a Church. It is an operating Church. It will remain operational through the whole construction process. They do have Mass 7 days a week. With that being said, the conduct of the contractors and the operations that are happening on the site are going to be under scrutiny on a daily basis. A school shuts down for the summer. That was when they had done all their work.

Tom DeKoker: No. They have been there for 2 years.

Mr. Bollenbach: Dave, provide a map note regarding the pre-construction meeting.

Tom DeKoker: Remind them it is private property.

Mr. Astorino: We will have a note on the plan.

Tom DeKoker: The second thing is that this Church has started a sanction by having homeless people living in the parking lot. I know this because I have heard trouble in the middle of the night where I had to call the Police. They have been there on several occasions.

Mr. Astorino: Is the Church sanctioning that?

Tom DeKoker: This is what I have heard.

Mr. Astorino: I do not think that is the case. We could notify the Police about that.

Tom DeKoker: I have done that.

Mr. Astorino: I believe the Church would never allow to have that.

Tom DeKoker: All I can say is that I have been there since 1982. Once before we had a problem with cigarette smokers. Joan Natal was running the School District. There was one phone call made. It never happened again. I did not want to have any problems with the School or the Church. I am glad the Church is adding on. I don't have a problem with that at all.

Mr. Astorino: We will take care of that. Thank you.

Tom DeKoker: Ok. Thank you.

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

Mr. Astorino: Regarding Comment #12, Surveyor to certify that iron rods have been set at all property corners, does the Board want to grant a waiver for that?

Mr. McConnell: Yes.

Mr. Showalter: Yes.

Mr. MacDonald: Yes.

Mr. Astorino: Ok. We have a consensus from the Board to waive the setting of iron pins.

Mr. McConnell makes a motion to close the public hearing.

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

Mr. Showalter makes a motion on the St. Stephen's the First Martyr Church application, granting Site Plan Approval for the construction and use of a meditation garden, 2,200 s.f. fellowship hall, a 525 s.f. community room, additional parking spaces and walkways, as well as interior upgrades to St. Stephen's Church, situated on tax parcel S 42 B 1 L 49 ; project located on the northern side of West Street Extension 0 feet west of St. Stephen's Lane (75 Sanfordville Rd), in the SL zone, of the Town of Warwick, County of Orange, State of New York. Approval is granted subject to the following conditions:

1. Architectural Review Board – 12/05/18 Size, scale, and materials specified are in keeping with the Town Codes and are harmonious with the existing building. Additional signage design will need to be submitted to the Town, if visible from the road.
2. TW Building Department – 07/05/18 open permits for re-roof (20105), sign (20444), and shed (25276). 12/05/18 Two permits have been closed (re-roof and sign).
3. Sheet 1, Note 14 shows one 911 address. Applicant to update 911 addresses: church – 75 Sanfordville, school – 224 West Street, & Parish – 73 Sanfordville.
4. Sheet 4 of 5, the Landscape Plan, General Planting Note 1 provides a one-year plant guarantee; please revise this note to provide a three-year plant guarantee.
5. Applicant to clarify if landscaping is being installed in the "Proposed Garden" area.

6. To be able to confirm that the correct number of handicapped spaces are included, the Applicant should label or identify which existing spaces are handicapped and the total number of spaces provided.
7. Applicable declaration information must be added to the plans.
8. Surveyor to certify that iron rods have been set at all property corners. Applicant is requesting waiver. (Waiver Granted).
9. Applicant to provide Performance and/or Landscaping bonds and/or site inspection fee, if applicable.
10. Provide construction pre-conference note to advise of surrounding private property rights.
11. Payment of all fees.

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

Dave Getz: Thank you.

Chris DeHaan: Thank you.

Application for Site Plan Approval and Special use Permit for the construction and use of a new 4,000 s.f. commercial building and the repurposing of three existing structures to serve various specially permitted uses, situated on tax parcel S 63 B 1 L 1.1; project located on State Route 94S and Sanfordville Road (172 State Route 94S), in the OI zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Kirk Rother, P.E.

Connie Sardo: Mr. Chairman, we have received the certified mailings for the JuSuDa Farm public hearing.

Mr. Chairman: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – 12/05/18 no comment
4. Architectural Review Board – 12/05/18 previous comments (11/06/17) have been incorporated into drawings; ensure turning radii is available for commercial delivery to buildings 2 and 3; enclosed/screening for dumpsters should be provided; providing a walkway from behind building 2 to building would ease delivery access.
5. OC Planning Department – 11/28/16 advisory comments for showing the building dimensions, encourage only farm-related uses, and encourage uses that are unlikely to impact the water, air, and soil.
6. There are currently two call-outs on Sheet 1 relating to the removal of the access road; the one that does not include "when building #1 converts to a commercial use" must be removed from the plan.
7. Provide the property owners within 300-ft on the plans.
8. Applicant to provide table of SEQR Potential Impact Thresholds. This table should contain the following categories and a summary of what thresholds were established during this planning board process: freshwater wetlands, stormwater, erosion control, groundwater, potable water usage and wastewater disposal, cultural resources, endangered species, aesthetic resources, noise, odor, & vibration, and traffic. A note should be added beneath this table stating that failure of an applicant to comply with any of these SEQR thresholds will necessitate planning board review and additional SEQR analysis. Please add a comment under stormwater stating how the site will be in compliance. The comment under groundwater should say NA. The comment under Endangered Species is cut off. The comment under Aesthetic Resources should state how the site will be in compliance. The comments under noise, odor, and vibration should reference the Performance Standards §164-48. Traffic must be added to this table
9. Applicant to clarify the gate detail for the split rail fence.
10. Please add a note to the plan that states that a Professional Engineer must confirm H2O loading before any vehicles drive over septic force main or additional weight (e.g. soil material, vehicles, any storage item, etc.) is placed over the sewer main. The installation of structures and/or foundation over the septic force main is prohibited.
11. §164-46.J(84) on sheet 3 of 5 states that outdoor storage must be screened by either an 8-ft high solid wall of fence of uniform appearance or screened by living evergreen trees. If Applicant proposes outdoor storage, the selected method of screening must be shown on the drawings.
12. Proposed Building #4 does not provide the adequate number of handicap accessible parking spaces for that facility. Please incorporate additional handicap accessible parking space.

13. Please also add handicap details, striping details, and appropriate handicapped parking signage.
14. Replace “Persumed” with “Presumed” throughout on Zoning Notes sheet (Special Use Sheet #3). Replace “35” Person capacity with “37” used in the calculation (Buildings #3 and #4). Total Required spaces = 73. Update total in Maximum Design Uses table. Ensure math calculations are correct.
15. Details, Sheet 4 of 5 – fix spelling error in General Note #1 (project “planting”). #6, add a “y” to be approved “by” the landscape architect...” Add shrub planting detail.
16. The proposed trees appear to be proposed right on the edge of the parking areas. Plants should be moved back to allow for room for the tree to grow and not impede parking.
17. §164-43.2A(7) requires 1 tree, of 3” caliper, for every 8 parking spaces. With 99 spaces proposed, 13 trees would be required, only 10 trees are provided. §164-43.2A(7)(b) requires a 10’ landscaped strip with 1 shade tree for every 35’ of parking lot perimeter. Only 2 trees are provided along with perimeter of the proposed building, with no trees proposed along Route 94.
18. The Town of Warwick Standard Note for lighting must be added to the plans.
19. On Sheet 1, the call-out for “proposed outdoor storage, parking of commercial vehicles...” shall remove the verbiage, “parking of commercial vehicles.”
20. On Sheet 3, Applicant to clarify or remove §164-46.J(154) relating to commercial solar applications.
21. Provide a schedule for the completion of the architectural improvements on the site plan.
22. The declaration information for the Agricultural Notes, Ridgeline Overlay Notes, and Private Road and Maintenance for the common driveway must be added to the plans.
23. Surveyor to sign and seal final plans.
24. Surveyor to certify that iron rods have been set at all property corners.
25. Applicant to provide Performance and/or Landscaping bonds and/or site inspection fee, if applicable.
26. Payment of all fees.

The following comment submitted by the Conservation Board, dated 12/5/18:

JuSuDa Farm of Warwick, Inc. – No comment.

The following comment submitted by the ARB, dated 12/5/18:

JuSuDa Farm of Warwick, Inc. - The previous recommendations by members of the ARB concerning the exterior renovations to be made to building #3 appear to have been incorporated in the current drawings provided.

Please make sure that adequate turning radii have been provided for delivery to buildings #2 and #3 (delivery to potential restaurants – Building #2 - may involve delivery on 18 wheeled vehicles as well as box trucks and access by a larger vehicle to building #3 - an unspecified use at this time - may be difficult). Whatever the ultimate use, these considerations remain the same.

Where is provision being made for enclosed garbage dumpsters and access for pick up?

Since it is preferable not to make renovations or changes to Building #2 at this time, walkways from the parking areas depicted behind the building will need to be provided as delivery access appears to lie well below grade now.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board declared this as an Unlisted Action. The Planning Board has been acting as Lead Agency on this matter. We have been reviewing the project with a Full EAF. I have prepared a draft Negative Declaration for the Board's consideration tonight.

Comment #2: Applicant to discuss project.

Kirk Rother: The Applicant is here to seek site plan approval for 12.5-acre parcel of land in the OI zone. The project is located on the north side of Route 94 at the intersection with Sanfordville Road. The site plan would allow 3 existing structures that was historically used for residential and agricultural uses to be permitted for various commercial uses. There is also a proposed 4<sup>th</sup> structure located on Sanfordville Road.

Comment #3: Conservation Board – 12/05/18 no comment

Comment #4: Architectural Review Board – 12/05/18 previous comments (11/06/17) have been incorporated into drawings; ensure turning radii is available for commercial delivery to buildings 2 and 3; enclosed/screening for dumpsters should be provided; providing a walkway from behind building 2 to building would ease delivery access.

Comment #5: OC Planning Department – 11/28/16 advisory comments for showing the building dimensions, encourage only farm-related uses, and encourage uses that are unlikely to impact the water, air, and soil.

Mr. Astorino: Laura and Ted, do any of these comments stand out tonight? We have seen these comments numerous times?

Mr. Fink: In regards to Comment #8, I have incorporated by referencing that in the Negative Declaration.

Mr. Astorino: Thank you. Do any Board members or Applicant have any questions or want to discuss any of these comments?

Kirk Rother: Most of these comments relate to landscaping. The only thing we spoke about at the Work Session was when Mr. Siegel would have the improvements to Building #3 done. I spoke to Mr. Siegel about that. Right now it is not a good time of the year to open up a building and do stone work. He was thinking about starting that in April. He would ask to have 6 months to get it done. It would put it to September 30, 2019.

Mr. Astorino: Could you get us a schedule to that effect?

Kirk Rother: Yes. That would be no problem.

Mr. McConnell: Are you saying that would start on April 1<sup>st</sup>?

Kirk Rother: Yes. That would be weather permitting.

Mr. McConnell: What does that mean? Does that mean if it is raining?

Kirk Rother: Yes. It's just like what it has been now from August up until now.

Mr. McConnell: As Ben had said, we have been seeing this over and over again. We have not seen any work done on that building.

Mr. Astorino: They cannot do any work until they get their approval.

Mr. McConnell: I understand that.

Mr. Astorino: At least we are at this point. We have a schedule.

Mr. McConnell: I just don't want you to come back and say that he is not quite ready to go. I would like to get something that has a little more concrete.

Kirk Rother: The only thing that it could be is to give something with a hard date or a certain period of time after the building is occupied.

Mr. Astorino: No. Give us the date like you were saying. I think that would make sense. Just like we do with the plantings.

Mr. McConnell: I think 6 months is excessive. You could build a whole thing in less than 6 months.

Mr. Bollenbach: Would there be a C of O or C of C issued for this?

Kirk Rother: I don't know how that works in the Building Department.

Mr. Bollenbach: Let's put a Note on the plan that states, perform architectural modifications to Building #3 prior to the issuance of Certificate of Occupancy. Provide construction schedule.

Kirk Rother: Ok.

Mr. Astorino: Ok. We will list Comment #6 through Comment #26 for the record. This is a public hearing. If there is anyone in the audience wishing to address the JuSuDa Farm application, please rise and state your name for the record. Let the record show no public comment.

Mr. McConnell makes a motion for the Negative Declaration.

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

617.12(b)

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

**Name of Action:** JuSuDa Site Plan

**Whereas**, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed retail/commercial site plan and special use permit, Town of Warwick, Orange County, New York, and

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



**Whereas**, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 9/1/16, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

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

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

Mr. McConnell makes a motion to close the public hearing.

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

Mr. Showalter makes a motion on the JuSuDa Farm of Warwick, Inc., application, granting Site Plan Approval and Special Use Permit for the construction and use of a new 4,000 s.f. commercial building and the repurposing of three existing structures to serve various specially permitted uses, situated on tax parcel S 63 B 1 L 1.1; project located on State Route 94S and Sanfordville Road (172 State Route 94S), in the OI zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on December 5, 2018. Approval is granted subject to the following conditions:

1. Architectural Review Board – 12/05/18 previous comments (11/06/17) have been incorporated into drawings; ensure turning radii is available for commercial delivery to buildings 2 and 3; enclosed/screening for dumpsters should be provided; providing a walkway from behind building 2 to building would ease delivery access.
2. OC Planning Department – 11/28/16 advisory comments for showing the building dimensions, encourage only farm-related uses, and encourage uses that are unlikely to impact the water, air, and soil.
3. There are currently two call-outs on Sheet 1 relating to the removal of the access road; the one that does not include "when building #1 converts to a commercial use" must be removed from the plan.
4. Provide the property owners within 300-ft on the plans.
5. Applicant to provide table of SEQR Potential Impact Thresholds. This table should contain the following categories and a summary of what thresholds were established during this planning board process: freshwater wetlands, stormwater, erosion control, groundwater, potable water usage and wastewater disposal, cultural resources, endangered species, aesthetic resources, noise, odor, & vibration, and traffic. A note should be added beneath this table stating that failure of an applicant to comply with any of these SEQR thresholds will necessitate planning board review and additional SEQR analysis. Please add a comment under stormwater stating how the site will be in compliance. The comment under groundwater should say NA. The comment under Endangered Species is cut off. The comment under Aesthetic Resources should state how the site will be in compliance. The comments under noise, odor, and vibration should reference the Performance Standards §164-48. Traffic must be added to this table

6. Applicant to clarify the gate detail for the split rail fence.
7. Please add a note to the plan that states that a Professional Engineer must confirm H2O loading before any vehicles drive over septic force main or additional weight (e.g. soil material, vehicles, any storage item, etc.) is placed over the sewer main. The installation of structures and/or foundation over the septic force main is prohibited.
8. §164-46.J(84) on sheet 3 of 5 states that outdoor storage must be screened by either an 8-ft high solid wall of fence of uniform appearance or screened by living evergreen trees. If Applicant proposes outdoor storage, the selected method of screening must be shown on the drawings.
9. Proposed Building #4 does not provide the adequate number of handicap accessible parking spaces for that facility. Please incorporate additional handicap accessible parking space.
10. Please also add handicap details, striping details, and appropriate handicapped parking signage.
11. Replace “Persumed” with “Presumed” throughout on Zoning Notes sheet (Special Use Sheet #3). Replace “35” Person capacity with “37” used in the calculation (Buildings #3 and #4). Total Required spaces = 73. Update total in Maximum Design Uses table. Ensure math calculations are correct.
12. Details, Sheet 4 of 5 – fix spelling error in General Note #1 (project “planting”). #6, add a “y” to be approved “by” the landscape architect...” Add shrub planting detail.
13. The proposed trees appear to be proposed right on the edge of the parking areas. Plants should be moved back to allow for room for the tree to grow and not impede parking.
14. §164-43.2A(7) requires 1 tree, of 3” caliper, for every 8 parking spaces. With 99 spaces proposed, 13 trees would be required, only 10 trees are provided. §164-43.2A(7)(b) requires a 10’ landscaped strip with 1 shade tree for every 35’ of parking lot perimeter. Only 2 trees are provided along with perimeter of the proposed building, with no trees proposed along Route 94.
15. The Town of Warwick Standard Note for lighting must be added to the plans.
16. On Sheet 1, the call-out for “proposed outdoor storage, parking of commercial vehicles...” shall remove the verbiage, “parking of commercial vehicles.”
17. On Sheet 3, Applicant to clarify or remove §164-46.J(154) relating to commercial solar applications.
18. Provide a schedule for the completion of the architectural improvements on the site plan.
19. The declaration information for the Agricultural Notes, Ridgeline Overlay Notes, and Private Road and Maintenance for the common driveway must be added to the plans.
20. Surveyor to sign and seal final plans.
21. Surveyor to certify that iron rods have been set at all property corners.
22. Applicant to provide Performance and/or Landscaping bonds and/or site inspection fee, if applicable.
23. Perform Architectural modifications to Building #3 prior to issuance of a Certificate of Occupancy. Provide a map note for the construction schedule.
24. Payment of all fees.

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

Kirk Rother: Thank you.

Comment #6: There are currently two call-outs on Sheet 1 relating to the removal of the access road; the one that does not include “when building #1 converts to a commercial use” must be removed from the plan.

Comment #7: Provide the property owners within 300-ft on the plans.

Comment #8: Applicant to provide table of SEQR Potential Impact Thresholds. This table should contain the following categories and a summary of what thresholds were established during this planning board process: freshwater wetlands, stormwater, erosion control, groundwater, potable water usage and wastewater disposal, cultural resources, endangered species, aesthetic resources, noise, odor, & vibration, and traffic. A note should be added beneath this table stating that failure of an applicant to comply with any of these SEQR thresholds will necessitate planning board review and additional SEQR analysis. Please add a comment under stormwater stating how the site will be in compliance. The comment under groundwater should say NA. The comment under Endangered Species is cut off. The comment under Aesthetic Resources should state how the site will be in compliance. The comments under noise, odor, and vibration should reference the Performance Standards §164-48. Traffic must be added to this table

Comment #9: Applicant to clarify the gate detail for the split rail fence.

Comment #10: Please add a note to the plan that states that a Professional Engineer must confirm H2O loading before any vehicles drive over septic force main or additional weight (e.g. soil material, vehicles, any storage item, etc.) is placed over the sewer main. The installation of structures and/or foundation over the septic force main is prohibited.

Comment #11: §164-46.J(84) on sheet 3 of 5 states that outdoor storage must be screened by either an 8-ft high solid wall of fence of uniform appearance or screened by living evergreen trees. If Applicant proposes outdoor storage, the selected method of screening must be shown on the drawings.

Comment #12: Proposed Building #4 does not provide the adequate number of handicap accessible parking spaces for that facility. Please incorporate additional handicap accessible parking space.

Comment #13: Please also add handicap details, striping details, and appropriate handicapped parking signage.

Comment #14: Replace “Persumed” with “Presumed” throughout on Zoning Notes sheet (Special Use Sheet #3). Replace “35” Person capacity with “37” used in the calculation (Buildings #3 and #4). Total Required spaces = 73. Update total in Maximum Design Uses table. Ensure math calculations are correct.

Comment #15: Details, Sheet 4 of 5 – fix spelling error in General Note #1 (project “planting”). #6, add a “y” to be approved “by” the landscape architect...” Add shrub planting detail.

Comment #16: The proposed trees appear to be proposed right on the edge of the parking areas. Plants should be moved back to allow for room for the tree to grow and not impede parking.

Comment #17: §164-43.2A(7) requires 1 tree, of 3” caliper, for every 8 parking spaces. With 99 spaces proposed, 13 trees would be required, only 10 trees are provided. §164-43.2A(7)(b) requires a 10’ landscaped strip with 1 shade tree for every 35’ of parking lot perimeter. Only 2 trees are provided along with perimeter of the proposed building, with no trees proposed along Route 94.

Comment #18: The Town of Warwick Standard Note for lighting must be added to the plans.

Comment #19: On Sheet 1, the call-out for “proposed outdoor storage, parking of commercial vehicles...” shall remove the verbiage, “parking of commercial vehicles.”

Comment #20: On Sheet 3, Applicant to clarify or remove §164-46.J(154) relating to commercial solar applications.

Comment #21: Provide a schedule for the completion of the architectural improvements on the site plan.

Comment #22: The declaration information for the Agricultural Notes, Ridgeline Overlay Notes, and Private Road and Maintenance for the common driveway must be added to the plans.

Comment #23: Surveyor to sign and seal final plans.

Comment #24: Surveyor to certify that iron rods have been set at all property corners.

Comment #25: Applicant to provide Performance and/or Landscaping bonds and/or site inspection fee, if applicable.

Comment #26: Payment of all fees.

**Other Considerations:**

1. Planning Board Minutes of 11/7/18 for PB Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 11/7/18.

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

2. Planning Board to discuss canceling the 12/10/18 & 12/24/18-Work Sessions and 12/19/18 & 1/2/19-PB Meetings.

Mr. McConnell makes a motion to cancel the 12/10/18 & 12/24/18 Work Sessions and 12/19/18 & 1/2/19 Planning Board Meetings.

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

3. **Joann Mazzola 2-Lot Subdivision** – Letter from Karen Emmerich, Lehman & Getz Engineering, dated 11/29/18 addressed to the Planning Board in regards to the Mazzola Subdivision – requesting “Re-Approval” of Amended Final Approval of a proposed 2-Lot subdivision, situated on tax parcel SBL #47-1-77.11; parcel located on the eastern side of Bellvale Lakes Road 7,678± feet north of Kain Road, in the MT zone, of the Town of Warwick. Conditional Final Approval was granted on 11/15/17. *The Applicant has stated that they must arrange the final details of the performance bond prior to the Chairman signing the plans.* The Re-Approval of Amended Final Approval becomes effective on 11/15/18.

Mr. McConnell makes a motion on the Joann Mazzola application, granting “Re-Approval” of Amended Final Approval of a proposed 2-Lot subdivision, situated on tax parcel SBL #47-1-77.11; parcel located on the eastern side of Bellvale Lakes Road 7,678± feet north of Kain Road, in the MT zone, of the Town of Warwick. Conditional Final Approval was granted on 11/15/17. (See attached).

The Re-Approval of Amended Final Approval becomes effective on 11/15/18, subject to the conditions of final approval granted on 11/15/17.

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

4. **Anders & Fix Lot Line Change** – Letter from John McGloin, PLS., dated 12/4/18 addressed to the Planning Board in regards to Anders & Fix Lot Line Change – requesting 6-Month Extension on Final Approval of a proposed Lot Line Change, situated on tax parcels S 66 B 1 L 5.2 & 81.2; parcels located on the southern side of Continental Rd. where it intersects with NY S Route 17A, in the MT zone, of the Town of Warwick. Conditional Final Approval was granted on 6/20/18. *The Applicant has stated they are in the process of filing the declaration relating to the Ridgeline Overlay Notes.* The 6-Month Extension becomes effective on 12/20/18.

Mr. McConnell makes a motion on the Anders & Fix Lot Line Change application, granting a 6-Month Extension on conditional Final Approval of a proposed Lot Line Change. (SBL # 66-1-52 and 81.2) Conditional Final Approval was granted on 6/20/18.

The 6-Month Extension becomes effective on 12/20/18.

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

### **Correspondences:**

1. Letter from John Ziobro, Esq., dated 11/29/18 addressed to the Planning Board in regards to Giantonio/119 Ryerson Road Site Plan application.

Mr. Astorino: We have that in our packets.

### **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.

### **Dennis makes a motion to adjourn the December 5, 2018 Planning Board Meeting.**

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

