

TOWN OF WARWICK PLANNING BOARD

April 17, 2019

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, April 17, 2019 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 Blue Arrow Too, LLC.

Application for Site Plan Approval and Special Use Permit for the construction and use of proposed facilities a/k/a **Blue Arrow Farm Too, LLC** under General Use Group 88 (Outdoor Amusement Establishment) Butterfly Garden, Apiary, Sunflower Maze, Nature Walk, Picnics, Event Space, Storytelling Center, and Accessory Use Group 24 (Restaurants; eating and drinking places incidental to the Principal Use) – Food preparation, Bar/Tasting Rooms, Eating and Drinking Spaces and Associated Parking in addition to permitted Agricultural Uses of a Horse Farm, Rescue Horse Sanctuary, Horse Shows, and Hop Farm + Final Approval for a proposed Lot Line Change, situated on tax parcels S 24 B 1 L 46.22 and L 23; project located on the eastern side of Glenwood Road 2000-feet north of the NY/NJ border (86 Glenwood Road) in the RU/CO zones, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Dave Getz from Lehman & Getz Engineering, Bob Krahulik, Attorney and Dave Griggs from ERS Consultants.

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

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – 09/20/18 advisory comments for water usage, parking, endangered species, and lot line adjustment.
6. TW Building Department – several open permits (check with building department).
7. A portion of the southern entrance is located within the 100-ft NYSDEC buffer area. This disturbance should be acknowledged by NYSDEC.

8. The site plans should be updated to include the NYSDEC validation block. The block is to be signed by NYSDEC and shall be included in the plan set.
9. ZBA: Applicant to clarify existing and proposed uses of building 2' from front setback (Building #1).
 - a. No further action. 03/25/19 ZBA minutes. No variance is required because changing one conforming use to another conforming use in a non-confirming building does not require a variance.
10. ZBA approval was granted on June 26, 2017 for an 80'x200' riding arena. The May 22, 2017 and June 26, 2018 minutes from the ZBA meetings clearly state that the proposed use and location for this building. Applicant proposing to relocate this building as part of this site plan/special use approval. ZBA minutes; the variance granted did not specify where the arena had to be built although the representation was made that it would be located within the existing horse track. No variance is necessary as to size but it appears the planning board could dictate a location (but not size) as part of the site plan approval. The original ZBA variance will expire on June 26, 2019; Applicant should request a renewal.
11. ZBA approval was granted on June 26, 2017 for a 50'x104' maintenance shed (Building #3). The May 22, 2017 and June 26, 2018 minutes from the ZBA meetings clearly state that the proposed use and location for this building. Applicant proposing different uses for this building as part of this site plan/special use.
 - a. No further action. 03/25/19 ZBA minutes. The variance granted did not restrict the building to a specific use as long as the use is permitted by right or application to the planning board no variance will be required.
12. ZBA variance is required or parking within 50-ft of front lot line or right of way §164-43.2A(4).
13. ZBA variance is required for the proposed height and size of the pillars and sign proposed at the southern entrance.
14. ZBA variance is required for the size and the number of signs proposed on the property.
15. The Applicant has submitted a noise report. Applicant has submitted the requested baseline report; Town Planner requested a baseline be conducted during the evening hours.
16. §164-46 (16) states that a setback from a bee hive must be a minimum of 100-ft. from any property line. Please add a note to the plan.
17. Recommend moving the sunflower maze away from the entrance road (but not over the septic system) and/or adding a fence to protect people that may step out of the maze unseen and into vehicle traffic.
18. Illuminating Engineering Society (IES) recommends lighting levels for sidewalks and parking areas of a 1 footcandle average and 0.5 to 2 footcandle range. Lighting levels should be revised. For instance, the handicap ramp at Building #1 provides 0.3 footcandle levels.
19. Provide information on wall mounted fixture. Post mounted fixture has been provided, although this cannot be mounted to the buildings.
20. Verify the location of the light fixture near Building #1. It appears to be in the middle of the sidewalk.
21. On Sheet 4, Note 1 please remove coffee bean sales; retail use is not allowed.
22. To Sheet 4, Note 7 please add that noise disturbances will be enforced by the Building Department (see Sheet 1, Note 24).
23. Please add Sheet 1, Note 24: The Applicant will comply with the Town of Warwick Performance Standards §164-48.
24. Sheet 4, Note 7 §164-46.J(43) allows for screening of outdoor amusement use located within 100-ft of a lot line.

25. Stop signs and stop bars should be shown within the site and at all driveway exits.
26. Applicant to clarify if vegetation is proposed in the stone planter for the monument sign (Sheet 8). The Applicant currently proposes annual; please add a note to the plan stating that annuals will be planted each year. An alternative would be to install perennials.
27. Sheet 8, Monument detail, Note 3 should be updated to state that the lighting will be in compliance with §164-43.4 Lighting.
28. The light pole bases located along the southern entrance must be removed, as there is no proposal on the plan to light this driveway section.
29. Sheet 8 indicates that a bridge will be located near the hop field. The signage on Sheet 8 indicates that the bridge will be a covered bridge. Applicant to provide additional information, details, calculations, and any applicable permitting.
30. Fire truck turning movements are shown but jump the “curb” in two places; Applicant to clarify that curb, grassed areas, and/or catch basin can support the fire truck.
31. Additional information shall be added to show the fire truck access either through or around the covered bridge. Applicant to verify that the bridge can withstand the load of a fire truck / emergency vehicles.
32. Consider specifying deciduous trees in/near the parking areas. Typically, coniferous trees branch closer to the ground and may extend into the parking lot. Shade trees are required in §164-43.2(7).
33. Provide landscaping within the parking lots, as required by §164-43.2. Verify plant labels. There are duplicate labels between shrubs and perennials (i.e. St). Parking lot trees should be installed at 3” caliper.
34. General Planting Note #1 should include “from the date of final acceptance.”
35. Plans should show access to Butterfly Garden. At site inspection, it was stated that no public would be allowed to or past the existing stables.
36. Plantings for the Butterfly Garden should be included on the plants and costs.
37. Applicant to clarify if plants are proposed in the “Nature Walk” area. If Nature Walk is publically accessible, it must be shown to be ADA compliant.
38. Applicant to add note to timber guiderail detail (sheet 15) that it will be installed per NYSDOT requirements (including the metal backing). (Pending HDR.)
39. A proposed handicap ramp is provided to Existing Building #1. Details of the ramp (i.e. width, slope, railings) should be included on the plans. Ramp should include a sidewalk connecting it to the handicapped parking.
40. Handicap access aisles are required be to 8 feet wide. One of the access aisles does not comply with that.
41. There should be a sidewalk from the handicapped parking to Building 3 and pavilion. If paved, there should also be a crosswalk. A sidewalk has been provided, but does not meet ADA requirements. There is a 5% maximum slope on a sidewalk. If over 5%, it is a ramp, and requires a hand rail that meets ADA requirements. Applicant to clarify if there is a curb. If not, provide wheel stops. If there is a curb, provide detail of curb ramp. Applicant should show accessible route to pavilion.
42. Handicap parking detail should include slope min/max for ADA access. Access aisles are required to be nearly level in all directions to provide a surface for wheelchair transfer to and from vehicles, with a maximum slope of 2% in any direction. Detail notes 8% slope, this is not compliant. Handicap parking detail should include minimum dimension for access aisle of 8 feet.
43. Details noted in the nature walk detail do not meet ADA requirements. The running slope of walking surfaces shall not be steeper than 1:20. The cross slope of walking surfaces shall not be steeper than 1:48. Between 1:20 and 1:12 is considered a ramp. Ramp runs shall have a running slope not steeper than 1:12, with a landing every 30 feet

- and handrails provided. Grading plans must be updated to show grading along sidewalks, parking spaces with spot grades as needed
44. Sheet 16 parking area pavement section shows that the surface will be 6" dense graded aggregate. Applicant to remove this cross section and all references to driveway and parking areas having a gravel surface; all driveways and parking areas are required to be paved.
 45. Due to the inability of the covered bridge to pass two lanes of traffic, the southern entrance must be properly delineated as one-way in only. Additional signage will be required to ensure that people understand how to leave the site.
 46. It appears that the wooden covered bridge should have a properly-sized culvert installed to carry the water and prevent erosion under and around the covered bridge.
 47. Additional information should be submitted to demonstrate that the culvert/covered bridge can support larger vehicles (e.g., delivery trucks and emergency vehicles).
 48. There are several white pipes extending out into the steep sloped area near Building #1. Applicant to show the purpose and proper erosion control measures for these pipes.
 49. In the field, an existing stream appears to have been formed into a pond and the stream on-site relocated too close to the existing water supply well. The pond should be removed and the stream relocated back to its original location, which was a proper distance away from the existing well.
 50. Future submission of the HVAC and electrical plans associated with the two geothermal systems within the buildings shall be provided including NYS ComCheck Energy Efficiency Compliance Report as part of the drawing package. ComCheck shall include both mechanical and electrical site lighting.
 51. Submit geothermal slinky loop trench details and loop length. Include materials used for backfill.
 52. Show geothermal well field distribution box, if applicable, on the site plan.
 53. Confirm the geothermal loop fluid and percent propylene glycol within the loop.
 54. Confirm geothermal well field is not in the flood plain (show on the same drawing).
 55. Show setback distances from well field to retention basins, streams, septic fields, rights of way, etc.
 56. Define how the electrical site lighting is controlled.
 57. The Landscape Cost Estimate has been received. The backup documentation for the source of the plant costs must be submitted. Also the cost to install the plantings must be included.
 58. Surveyor to certify that iron rods have been set at all property corners.
 59. Provide the liber and page for all recorded declarations.
 60. Provide a three-year landscaping bond, and any other required bonds for this project.
 61. Payment of all fees.

The following comment submitted by the Conservation Board:

Blue Arrow Too, LLC. – None submitted.

The following comment submitted by the ARB:

Blue Arrow Too, LLC. – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This was a Type 1 Action under the SEQRA Regulations. There are other Involved Agencies. The Planning Board had circulated for Lead Agency. We have done a coordinated review with the Town of Warwick ZBA, NYSDEC, OCHD, OC DPW and OC Dep't. of Planning. None of the Involved Agencies had a problem with the Planning Board acting as Lead Agency. The Planning Board has been reviewing the application with a Long EAF including some additional studies that were submitted. One study was the Stormwater Management because of the alterations that occurred on the property. The Applicant has completed a Noise Study. We have a couple of correspondences from the NYSDEC regarding the potential Indiana Bat habitat on the site. There has been notes placed on the site plan regarding that. The property is also located within the Town's Aquifer Overlay District. There has been notes placed in the site plan regarding that. There has also been a NYSDEC wetland located on the property. There is no actual disturbance of the wetland itself. There may be a very small existing portion of the driveway that may be disturbed once that is upgraded. That is within the 100-foot buffer area. It is possible that the DEC may require a permit. They might also allow a minor amount that could be done with a letter of permission. I don't know yet how the NYSDEC is going to handle that yet. It is a very small area in the amount of only a few feet. As far as the Noise Study, there were 4 different occasions when the Applicant had their noise expert go out to the site. They did a noise reading when there was a musical event. They also went out early in the morning and evening to do a baseline noise level measurement. The Applicant provided the increases that would be attributed to noise events. The only thing that I would think maybe something for the Planning Board to consider is that the Applicant has offered if there is any adverse noise affects in the area would be to close the windows of the facility. It is always to be indoor music. I believe they do not have any plans for outdoor music. That would be a note to be added to the site plan.

Mr. Astorino: We could put a note on the plans to that effect.

Mr. Fink: Yes. They would need a note on the plan for that. That is about it. I have prepared a draft Negative Declaration for the Planning Board's consideration.

Mr. Astorino: That is just on SEQRA this evening. Is that correct?

Mr. Fink: Yes.

Mr. Astorino: The Applicant would have to go back to the ZBA for their approvals. We do have a consensus from the ZBA.

Mr. Fink: None of the other Agencies could issue their approval until the Planning Board adopts the Negative Declaration.

Mr. Astorino: Ok. Thank you.

Comment #2: Applicant to discuss project.

Bob Krahulik: The Public Notice does a good job describing the approvals that we are trying to seek. The scope of the project was scaled back a little bit over time. Additionally we contemplated a brewery and other activities that would have been a little bit more intensive in nature as far as the use of the property. In an effort to mitigate some of the sound impacts, we have limited the hours of operation. Food service would be discontinued by 8:00pm. All event activities would conclude by 10:00pm. As Ted had suggested, we would be happy to add an additional note stating that the windows would be closed at 8:00pm in the event there is amplified music in connection with the performance.

Mr. Astorino: All music would be done indoors.

Bob Krahulik: Yes. All music would be done indoors. I will now let Mr. Getz speak regarding some of the updates to the plans.

Dave Getz: Since our last appearance before you, there have been no major design changes. We have worked on tweaking some of the stormwater calculations and measures in order to meet the Local and State requirements. We have received outside Agencies approvals from OCDPW OCHD, and NYSDEC for the sewage disposal system. We have been to the ZBA to discuss some variances and interpretations that are needed.

Bob Krahulik: I am going to ask Dave Griggs to update the Board on the latest noise study that was performed.

Dave Griggs: We had sound studies done in September and December. We had a baseline. Those sound studies were done during events that occurred on the site. We also had done a baseline in February. We had done one in the morning, afternoon and evening. We covered all the baselines to events. We feel that we meet DEC standards for assessing the sound. We meet the Town's Ordinance for the sounds.

Mr. Astorino: Thank you for doing those other two sound studies on such short notice. We know it was not easy.

Dave Griggs: Yes. You are welcome.

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

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 09/20/18 advisory comments for water usage, parking, endangered species, and lot line adjustment.

Mr. Astorino: We have addressed that.

Comment #6: TW Building Department – several open permits (check with building department).

Comment #7: A portion of the southern entrance is located within the 100-ft NYSDEC buffer area. This disturbance should be acknowledged by NYSDEC.

Mr. Astorino: Ted had mentioned that. It is a small piece.

Dave Griggs: It was an existing road that was there during farming activities. They are allowed to have that as far as Ag goes. We will clarify that.

Comment #8: The site plans should be updated to include the NYSDEC validation block. The block is to be signed by NYSDEC and shall be included in the plan set.

Dave Griggs: We have that.

Comment #9: ZBA: Applicant to clarify existing and proposed uses of building 2' from front setback (Building #1).

- a. No further action. 03/25/19 ZBA minutes. No variance is required because changing one conforming use to another conforming use in a non-confirming building does not require a variance.

Mr. Astorino: Regarding Comment #9 through Comment #14, when Blue Arrow went to the ZBA, we received a consensus from the ZBA that once we do our SEQRA the ZBA has a consensus that they would grant the variances. They gave us their opinion on a couple of other issues that are out there regarding the barn and such that they didn't need variances. We discussed that at a Work Session. Those comments are addressed by the ZBA. We have that in our possession now.

Dave Getz: I agree.

Comment #10: ZBA approval was granted on June 26, 2017 for an 80'x200' riding arena. The May 22, 2017 and June 26, 2018 minutes from the ZBA meetings clearly state that the proposed use and location for this building. Applicant proposing to relocate this building as part of this site plan/special use approval. ZBA minutes; the variance granted did not specify where the arena had to be built although the representation was made that it would be located within the existing horse track. No variance is necessary as to size but it appears the planning board could dictate a location (but not size) as part of the site plan approval. The original ZBA variance will expire on June 26, 2019; Applicant should request a renewal.

Comment #11: ZBA approval was granted on June 26, 2017 for a 50'x104' maintenance shed (Building #3). The May 22, 2017 and June 26, 2018 minutes from the ZBA meetings clearly state that the proposed use and location for this building. Applicant proposing different uses for this building as part of this site plan/special use.

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Comment #12: ZBA variance is required or parking within 50-ft of front lot line or right of way §164-43.2A(4).

Comment #13: ZBA variance is required for the proposed height and size of the pillars and sign proposed at the southern entrance.

Comment #14: ZBA variance is required for the size and the number of signs proposed on the property.

Comment #15: The Applicant has submitted a noise report. Applicant has submitted the requested baseline report; Town Planner requested a baseline be conducted during the evening hours.

Mr. Astorino: We had discussed that. You had done that.

Dave Griggs: Yes.

Mr. McConnell: Could I ask our Town Planner or the Applicant's Attorney to explain the difference between the Town's Ordinances on sound and the increase in the baseline? What is that whole thing? No one ever said that this was going to exceed the Town's Ordinances. There was a concern from a SEQRA standpoint that SEQRA suggested if you had a situation where the sound would increase 10 decibels over whatever the baseline is that ought to be considered for mitigation. Could you explain that? At the Work Session I was somewhat confused by that. If it was in the Town's Ordinances, it would then be a done deal.

Bob Krahulik: Regardless of the Boards approval, we must comply with the Town Law. It says with any noise emitted from the property cannot exceed a certain threshold when you are standing at the property line and noise going to neighboring properties. I believe that is 75 decibels. It is my understanding that the Town Police will now be outfitted with monitors. In the event of a noise complaint, they would have the ability to drive out to a property and get a reading of the level of noise. If there is a violation, they would have the ability to issue a ticket for violating the Town Code. Regarding SEQRA, it will be your job to determine whether or not there would be any significant environmental impacts. The DEC has a number of publications that gives us some guidance as to whether or not there would be a significant environmental impact when it comes to additional noise that would be generated on the site. Generally speaking, I believe most of the DEC's literature says if there would be less than 10 decibel increase in the amount of noise coming from the property, it would be an indication that there will be no impact as a result of additional noise. Perhaps Dave Griggs could update us. I don't believe we really exceeded more than 10 decibels between baseline and noise generated during events.

Dave Griggs: The DEC had said for offsite that we had not exceed 10 decibels for baseline and for the events that had occurred.

Mr. McConnell: What you are saying is that you did not increase more than 10 decibels at the property line? It was not the decibels at the property line that was less than 10 decibels but the increase from the background noise due to the noise generated at the site did not exceed 10 decibel increase. Is that accurate?

Dave Griggs: Yes. That is accurate.

Ms. Little: What was that specific number at the property line?

Dave Griggs: There is a variety of different locations. For example; along the road it was between 50 decibels and 60 decibels without traffic. With the traffic, we were in the upper 60's and 70's decibels. That was baseline. During the events, it was almost identical. With events occurring both either in the building above which is close to the road where the building below is located, they are well insulated. The sound did not exceed the 10 decibels offsite.

Ms. Little: What was the closest that we came to that 10 decibel difference at any of those points?

Dave Griggs: 7, 8, and 9 during sound studies, we reached 53, 62 and 63 decibels. Those were along the property line or along the road. The difference between that would be 5, 6, 7 decibel difference.

Ms. Little: Ok. Thank you.

Bob Krahulik: Even though we don't think we have any significant noise impacts, we will still offer some mitigation. We are going to limit the hours of operation. We would be happy to close the windows after 8pm. We are offering mitigation even though we don't think we exceed the DEC threshold.

Mr. Astorino: You cannot exceed the Town's threshold either.

Bob Krahulik: Certainly not the Town's threshold. We could never exceed the Town's threshold. We would be breaking the law.

Mr. Fink: Ben, I agree with what they were saying. According to the DEC, closure of the windows could reduce the noise level by 15 decibels.

Mr. Astorino: I agree with that. We will have a note on the plan.

Comment #16: §164-46 (16) states that a setback from a bee hive must be a minimum of 100-ft. from any property line. Please add a note to the plan.

Dave Getz: Ok.

Comment #17: Recommend moving the sunflower maze away from the entrance road (but not over the septic system) and/or adding a fence to protect people that may step out of the maze unseen and into vehicle traffic.

Dave Getz: We might go with a fence on that. We will work that out.

Comment #18: Illuminating Engineering Society (IES) recommends lighting levels for sidewalks and parking areas of a 1 footcandle average and 0.5 to 2 footcandle range. Lighting levels should be revised. For instance, the handicap ramp at Building #1 provides 0.3 footcandle levels.

Dave Getz: Ok. We will update that.

Comment #19: Provide information on wall mounted fixture. Post mounted fixture has been provided, although this cannot be mounted to the buildings.

Dave Getz: Ok.

Comment #20: Verify the location of the light fixture near Building #1. It appears to be in the middle of the sidewalk.

Dave Getz: Ok.

Comment #21: On Sheet 4, Note 1 please remove coffee bean sales; retail use is not allowed.

Dave Getz: Ok.

Comment #22: To Sheet 4, Note 7 please add that noise disturbances will be enforced by the Building Department (see Sheet 1, Note 24).

Mr. Astorino: Both the Police and Building Department have the noise odometers. They can both issue violations.

Comment #23: Please add Sheet 1, Note 24: The Applicant will comply with the Town of Warwick Performance Standards §164-48.

Dave Getz: Ok.

Comment #24: Sheet 4, Note 7 §164-46.J(43) allows for screening of outdoor amusement use located within 100-ft of a lot line.

Dave Getz: Does that mean we will be adding something or changing something?

Mr. Astorino: I don't believe so.

Laura Barca: That would be up to the Planning Board to decide.

Comment #25: Stop signs and stop bars should be shown within the site and at all driveway exits.

Dave Getz: Ok.

Comment #26: Applicant to clarify if vegetation is proposed in the stone planter for the monument sign (Sheet 8). The Applicant currently proposes annual; please add a note to the plan stating that annuals will be planted each year. An alternative would be to install perennials.

Dave Getz: Ok.

Comment #27: Sheet 8, Monument detail, Note 3 should be updated to state that the lighting will be in compliance with §164-43.4 Lighting.

Dave Getz: Ok.

Comment #28: The light pole bases located along the southern entrance must be removed, as there is no proposal on the plan to light this driveway section.

Dave Getz: Ok.

Comment #29: Sheet 8 indicates that a bridge will be located near the hop field. The signage on Sheet 8 indicates that the bridge will be a covered bridge. Applicant to provide additional information, details, calculations, and any applicable permitting.

Dave Getz: It is a decorative covered bridge. It is really not a bridge that spans.

Laura Barca: It does have water underneath it. You will probably need to have a culvert. That is the purpose of the comment.

Dave Getz: Ok.

Mr. Showalter: Regarding Comment #28, the light pole bases located along the southern entrance must be removed.

Mr. Astorino: They were put in inadvertently. They are not going to be used.

Mr. Bollenbach: The Applicant is obligated to remove them.

Mr. Astorino: That happened because they were put in by mistake by the contractor.

Mr. Showalter: Ok.

Mr. McConnell: Regarding Comment #29, are there lights proposed for within the covered bridge?

Mr. Astorino: I did not see any.

Mr. McConnell: Should there be lights? Is this something that you might have pedestrians?

Mr. Astorino: I don't believe so. It is essentially a driveway. It will need a one-way sign. It is not wide enough for 2 vehicles. I don't believe it will be for pedestrian crossing.

Mr. McConnell: Ok.

Ms. Little: My question goes to Comment #28, should there be lighting along that driveway section?

Dave Griggs: There are concrete ballads there right now. Since they are there, we were thinking of using low lighting just a few feet above the ground to light that.

Mr. Astorino: If that is the case, then put that on the plan and meet the lighting requirements. It is not that it is not allowed. It was there. We had seen it there. That was why the question arose.

Dave Griggs: Right.

Mr. Astorino: If that is the case, you are going to add it to the plan.

Dave Griggs: Ok.

Laura Barca: We could amend Comment #28 to reflect that.

Comment #30: Fire truck turning movements are shown but jump the "curb" in two places; Applicant to clarify that curb, grassed areas, and/or catch basin can support the fire truck.

Dave Getz: We will address that.

Comment #31: Additional information shall be added to show the fire truck access either through or around the covered bridge. Applicant to verify that the bridge can withstand the load of a fire truck / emergency vehicles.

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Comment #32: Consider specifying deciduous trees in/near the parking areas. Typically, coniferous trees branch closer to the ground and may extend into the parking lot. Shade trees are required in §164-43.2(7).

Dave Getz: Ok.

Comment #33: Provide landscaping within the parking lots, as required by §164-43.2. Verify plant labels. There are duplicate labels between shrubs and perennials (i.e. St). Parking lot trees should be installed at 3” caliper.

Dave Getz: Will do.

Dave Griggs: We have a couple of islands on top. We don't have any islands down below. That is because of the parking layout. We meet the requirement for the number of trees and shrubs. We don't have any internally. We are trying to keep that footprint of disturbance pretty narrow. That is because we have the road, the slope and the septic system. We are going to widen that parking lot with our access road. It pushes us down more towards the wetland buffer. We are so squeezed in there.

Mr. Astorino: You will need to meet with Ted about that. You will need to make sure it follows the Code.

Dave Griggs: Ok.

Comment #34: General Planting Note #1 should include “from the date of final acceptance.”

Dave Getz: Ok.

Comment #35: Plans should show access to Butterfly Garden. At site inspection, it was stated that no public would be allowed to or past the existing stables.

Laura Barca: That was from an observation of what we were told. The plan should state of what will actually happen out there.

Dave Griggs: Ok.

Comment #36: Plantings for the Butterfly Garden should be included on the plants and costs.

Dave Getz: Ok.

Comment #37: Applicant to clarify if plants are proposed in the “Nature Walk” area. If Nature Walk is publically accessible, it must be shown to be ADA compliant.

Dave Getz: We did add details.

Comment #38: Applicant to add note to timber guiderail detail (sheet 15) that it will be installed per NYSDOT requirements (including the metal backing). (Pending HDR.)

Laura Barca: That is still pending HDR review.

Dave Getz: That cost of that is \$100.00 per foot.

Mr. Astorino: Get in touch with Laura about that.

Comment #39: A proposed handicap ramp is provided to Existing Building #1. Details of the ramp (i.e. width, slope, railings) should be included on the plans. Ramp should include a sidewalk connecting it to the handicapped parking.

Dave Getz: Ok.

Comment #40: Handicap access aisles are required be to 8 feet wide. One of the access aisles does not comply with that.

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Dave Getz: Ok.

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Comment #43: Details noted in the nature walk detail do not meet ADA requirements. The running slope of walking surfaces shall not be steeper than 1:20. The cross slope of walking surfaces shall not be steeper than 1:48. Between 1:20 and 1:12 is considered a ramp. Ramp runs shall have a running slope not steeper than 1:12, with a landing every 30 feet and handrails provided. Grading plans must be updated to show grading along sidewalks, parking spaces with spot grades as needed.

Dave Getz: Ok.

Comment #44: Sheet 16 parking area pavement section shows that the surface will be 6" dense graded aggregate. Applicant to remove this cross section and all references to driveway and parking areas having a gravel surface; all driveways and parking areas are required to be paved.

Dave Getz: The Applicant is requesting a waiver on that.

Mr. Astorino: That would be up to the Board's discretion. We discussed that at the site visit.

Comment #45: Due to the inability of the covered bridge to pass two lanes of traffic, the southern entrance must be properly delineated as one-way in only. Additional signage will be required to ensure that people understand how to leave the site.

Dave Getz: We will address that.

Comment #46: It appears that the wooden covered bridge should have a properly-sized culvert installed to carry the water and prevent erosion under and around the covered bridge.

Dave Getz: Ok.

Comment #47: Additional information should be submitted to demonstrate that the culvert/covered bridge can support larger vehicles (e.g., delivery trucks and emergency vehicles).

Dave Getz: Ok.

Comment #48: There are several white pipes extending out into the steep sloped area near Building #1. Applicant to show the purpose and proper erosion control measures for these pipes.

Dave Getz: Ok.

Comment #49: In the field, an existing stream appears to have been formed into a pond and the stream on-site relocated too close to the existing water supply well. The pond should be removed and the stream relocated back to its original location, which was a proper distance away from the existing well.

Dave Getz: Ok.

Comment #50: Future submission of the HVAC and electrical plans associated with the two geothermal systems within the buildings shall be provided including NYS ComCheck Energy Efficiency Compliance Report as part of the drawing package. ComCheck shall include both mechanical and electrical site lighting.

Dave Getz: Ok.

Comment #51: Submit geothermal slinky loop trench details and loop length. Include materials used for backfill.

Dave Getz: Ok.

Comment #52: Show geothermal well field distribution box, if applicable, on the site plan.

Dave Getz: Ok.

Comment #53: Confirm the geothermal loop fluid and percent propylene glycol within the loop.

Dave Getz: Ok.

Comment #54: Confirm geothermal well field is not in the flood plain (show on the same drawing).

Dave Getz: Ok.

Comment #55: Show setback distances from well field to retention basins, streams, septic fields, rights of way, etc.

Dave Getz: Ok.

Comment #56: Define how the electrical site lighting is controlled.

Dave Getz: Ok.

Comment #57: The Landscape Cost Estimate has been received. The backup documentation for the source of the plant costs must be submitted. Also the cost to install the plantings must be included.

Dave Getz: Ok.

Dave Griggs: Ok.

Comment #58: Surveyor to certify that iron rods have been set at all property corners.

Dave Getz: We request a waiver on the certification of iron rods.

Comment #59: Provide the liber and page for all recorded declarations.

Dave Getz: Ok.

Comment #60: Provide a three-year landscaping bond, and any other required bonds for this project.

Dave Getz: Ok.

Comment #61: Payment of all fees.

Dave Getz: Ok.

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

Ms. Little: Regarding all of the plantings, are we requiring them to be non-invasive native species?

Mr. Astorino: That would go through Ted and Laura.

Mr. Fink: Yes.

Ms. Little: In regards to requesting a waiver of keeping it gravel versus pavement, my concern for that would be sound and dust control.

Mr. Astorino: Maybe we should add a note on the plan to keep it watered during dusty times. I don't see in putting in asphalt. It doesn't make sense to do that.

Ms. Little: I agree with you. But, we don't want to smoke out neighbors across the road with dust.

Mr. Astorino: I agree with that. There could be a plan in place.

Dave Getz: We do have to pave the first 50 feet and the handicap parking. We do request that most of it could be gravel.

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

Tina Guerrero: I live at 83 Glenwood Road. My property is located directly across from the Blue Arrow Farm. I just wanted you to know that through this whole process there has been very little impact to my quality in any way. The work that has been going on has had no impact. There has been private events held at the farm. There

has been very little sound from the events. Everything has always been closed. They have been very respectful. Questions have been asked. Answers were given. I am also speaking on behalf of my neighbors that we are all very excited about this project. It has done amazing things for the neighborhood and the Town of Warwick on all sides. It is a beautiful project. I just wanted to let you know that.

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

Mr. McConnell makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: Blue Arrow Too Site Plan, Special Permit & Subdivision

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed outdoor amusement establishment on a farm, Town of Warwick, Orange County, New York, and

Whereas, there are other involved agencies pursuant to SEQR, including the Town of Warwick Zoning Board of Appeals, the Orange County departments of Health and Public Works and the New York State Department of Environmental Conservation, and

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 8/13/18, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

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

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

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

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

Mr. Astorino: Ok. This is where we are at. SEQRA has been completed and approved. Now Blue Arrow has to go back to the ZBA and get their approval. They have to get all of their approvals from the other outside Agencies. Once you have all of that, then you can come back before us for your conditional final approval.

Dave Getz: Ok. Thank you.

Mr. Astorino: Thank you for doing the extra noise studies.

Dave Griggs: Ok. Thank you.

Bob Krahulik: Thank you.

Review of Submitted Maps:***Angelo Sorrenti***

Application for a proposed two-lot subdivision situated on tax parcel S 42 B 1 Lot 7 (29 Foley Road); parcel located on the southern side of Foley Road 1,600 ft west of Pine Island Turnpike in the RU zone of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Dave Getz from Lehman & Getz Engineering.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – no comments received
6. TW Building Department – 04/08/19 no violations
7. ZBA variances required:
 - a. Lot area (Lots 1)
 - b. Lot Width (Lot 1)
 - c. One side setback (Lot 1)
 - d. Both side setbacks (Lot 1)
 - e. Shed (Lot 1), unless shed is removed
8. Planning Board to consider scheduling a site inspection.
9. In the zoning table on Sheet 1, it would be helpful if the lot areas were presented in acres.
10. The metes and bounds must be provided for Proposed Lot 1.
11. The driveway of a flag lot must be created to provide suitable, safe, and prudent access for emergency vehicles, §137-21.K(2)(a)[1].
12. In no case shall the flag lot width be less than 50-ft at any point, §137-21.K(2)(a)[2].
Waiver requested.
13. Flag lots must meet all bulk requirements for the zoning district applicable, §137-21.K(2)(a)[2]. **Waiver requested.** ZBA variances are required.
14. The combined frontage of the flag lot and front lot so created must be twice the minimum frontage within that zone §137-21.K(2)(a)[2]. Requesting waiver from 500' to approximately 179'. **Waiver requested.**
15. The depth of the strip from the roadway to the front yard line shall not be less than 200-ft nor greater than 300-ft, §137-21.K(2)(a)[2]. Requesting waiver to approx. 550-ft.
Waiver requested.
16. The driveway of a flag lot must not exceed 15%, §137-21.K(2)(a)[3]. A note must be added to the plan for 42-1-7, Proposed Lot 2. Any related grading to achieve this criterion shall be shown on the plan.
17. Flag lots shall be permitted for the erection and maintenance of single-family dwellings only §137-21.K(2)(a)[4]. A note shall be added to the plan for 42-1-7, Proposed Lots 1 and 2.
18. There is no further subdivision allowed for a flag lot, §137.21.K(2)(c). A note must be added to the plan for 42-1-6, Proposed Lots 1 and 2.

19. Fire Code of NYS, Section 511.2.2 requires a turnaround suitable for use by fire apparatus if the driveway is longer than 500-ft. Applicant to clarify. Applicant to add a note to the plan. Any related grading to achieve this criterion shall be shown on the plan.
20. Fire Code of NYS, Section 511.2.3 requires driveways in excess of 500-ft to provide turnouts that are at least 20-ft width and 50-ft long. Applicant to clarify.
21. Applicant to add all pertinent details to the plan (i.e., well installation, septic details, driveway cross section, soil erosion control, etc.).
22. Applicant must select one area for the septic system to be located.
23. The existing septic system must be shown for Lot 1.
24. A replacement septic system must be shown for Lot 2.
25. The square rule (137-21.K(1) – Shape of Lot). The 200-ft square does not fit into Lot 1. **Waiver requested.**
26. This subdivision proposes to disturb approximately 0.8 acres and thus requires a simple SWPPP. Erosion control measures must be shown on the plan.
27. Applicant to clarify drainage that appears to go onto the adjacent property.
28. The Applicant must add 911 addresses to the plan.
29. The plans must be signed by the surveyor.
30. The declaration information must be added for Ridgeline, Biodiversity, and Agricultural Notes.
31. Payment in lieu of parkland for one lot.
32. Surveyor to certify that iron rods have been set at all property corners.
33. Payment of all fees.

The following comment submitted by the Conservation Board:

Angelo Sorrenti – None submitted.

The following comment submitted by the ARB:

Angelo Sorrenti – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This application is subject to SEQRA. The Applicant has submitted a short EAF for the Planning Board's review. It is an Unlisted Action. The ZBA is an Involved Agency on this project. There is not much the Planning Board can do tonight until the Applicant goes to the ZBA to obtain variances for minimum lot size and setbacks. Once they are done with the ZBA, they will then come back to the Planning Board. We could do Lead Agency when they come back.

Comment #2: Applicant to discuss project.

Dave Getz: Mr. Sorrenti has approximately 18 acres on Foley Road. He lives in a house on Foley Road. He proposes to create a driveway going past his house to create a new lot in the back for a proposed new house. As Ted had mentioned, we will need to go to the ZBA for lot area and setbacks by creating a 2-acre lot in the front.

Mr. Astorino: We will refer you to the ZBA.

Dave Getz: Yes. That is our purpose for being here tonight.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – no comments received

Mr. Astorino: Do any Board members have any comments or concerns? Dave, are there any comments you want to go through?

Dave Getz: No. We are ok with the rest of the comments.

Mr. Astorino: Ok. We will list Comment #6 through Comment #33 for the record. We will refer you to the ZBA.

Dave Getz: Ok. Thank you.

Comment #6: TW Building Department – 04/08/19 no violations

Comment #7: ZBA variances required:

- a. Lot area (Lots 1)
- b. Lot Width (Lot 1)
- c. One side setback (Lot 1)
- d. Both side setbacks (Lot 1)
- e. Shed (Lot 1), unless shed is removed

Comment #8: Planning Board to consider scheduling a site inspection.

Comment #9: In the zoning table on Sheet 1, it would be helpful if the lot areas were presented in acres.

Comment #10: The metes and bounds must be provided for Proposed Lot 1.

Comment #11: The driveway of a flag lot must be created to provide suitable, safe, and prudent access for emergency vehicles, §137-21.K(2)(a)[1].

Comment #12: In no case shall the flag lot width be less than 50-ft at any point, §137-21.K(2)(a)[2]. **Waiver requested.**

Comment #13: Flag lots must meet all bulk requirements for the zoning district applicable, §137-21.K(2)(a)[2]. **Waiver requested.** ZBA variances are required.

Comment #14: The combined frontage of the flag lot and front lot so created must be twice the minimum frontage within that zone §137-21.K(2)(a)[2]. Requesting waiver from 500' to approximately 179'. **Waiver requested.**

Comment #15: The depth of the strip from the roadway to the front yard line shall not be less than 200-ft nor greater than 300-ft, §137-21.K(2)(a)[2]. Requesting waiver to approx. 550-ft. **Waiver requested.**

Comment #16: The driveway of a flag lot must not exceed 15%, §137-21.K(2)(a)[3]. A note must be added to the plan for 42-1-7, Proposed Lot 2. Any related grading to achieve this criterion shall be shown on the plan.

Comment #17: Flag lots shall be permitted for the erection and maintenance of single-family dwellings only §137-21.K(2)(a)[4]. A note shall be added to the plan for 42-1-7, Proposed Lots 1 and 2.

Comment #18: There is no further subdivision allowed for a flag lot, §137.21.K(2)(c). A note must be added to the plan for 42-1-6, Proposed Lots 1 and 2.

Comment #19: Fire Code of NYS, Section 511.2.2 requires a turnaround suitable for use by fire apparatus if the driveway is longer than 500-ft. Applicant to clarify. Applicant to

add a note to the plan. Any related grading to achieve this criterion shall be shown on the plan.

Comment #20: Fire Code of NYS, Section 511.2.3 requires driveways in excess of 500-ft to provide turnouts that are at least 20-ft width and 50-ft long. Applicant to clarify.

Comment #21: Applicant to add all pertinent details to the plan (i.e., well installation, septic details, driveway cross section, soil erosion control, etc.).

Comment #22: Applicant must select one area for the septic system to be located.

Comment #23: The existing septic system must be shown for Lot 1.

Comment #24: A replacement septic system must be shown for Lot 2.

Comment #25: The square rule (137-21.K(1) – Shape of Lot). The 200-ft square does not fit into Lot 1. **Waiver requested.**

Comment #26: This subdivision proposes to disturb approximately 0.8 acres and thus requires a simple SWPPP. Erosion control measures must be shown on the plan.

Comment #27: Applicant to clarify drainage that appears to go onto the adjacent property.

Comment #28: The Applicant must add 911 addresses to the plan.

Comment #29: The plans must be signed by the surveyor.

Comment #30: The declaration information must be added for Ridgeline, Biodiversity, and Agricultural Notes.

Comment #31: Payment in lieu of parkland for one lot.

Comment #32: Surveyor to certify that iron rods have been set at all property corners.

Comment #33: Payment of all fees.

Steinmetz 66 Ferncliff Site Plan

Application for Site Plan Approval for the construction and use of a new single-family dwelling on an existing foundation, new well and septic system, and driveway modifications, located within “A Designated Area” of Greenwood Lake, situated on tax parcels S 73 B 10 L 22.2 and L 22.1; project located on the southeast side of Ferncliff Rd., 275 feet east of the intersection of Jersey Ave. (66 Ferncliff Road), in the SM zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Elizabeth Cassidy, Attorney.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – 03/01/19 advisory comment for watershed protection
6. TW Building Department – 02/08/19 finished area above garage needs COC, no bedrooms allowed in finished area above garage, approvals needed for 100’ x 12’ dock, need 911 number posted
7. ZBA variances are required:
 - a. required for rear setback 30-ft required and 29.8-ft provided
 - b. setback from property line if do not combine lots (proposing to combine as condition of approval)
 - c. possible setback Fern Cliff Road
8. The survey indicates that one of the pillar entrances to this property is located on an adjacent property. Applicant to clarify.
9. Applicant to submit letter to Town Assessor’s office to combine the two tax lots.
10. A Firmette was submitted which indicates no concern. A reference note to the FIRM map should be shown on plan.
11. Survey datum should be noted consistent with FEMA (NAVD 1988).
12. Whenever soil is disturbed, soil erosion control measures must be installed to prevent erosion into Greenwood Lake. Should include a stabilized construction entrance and identify any trees that require protection.
13. The limits of soil erosion must be shown on the plan. The limits of disturbance line type (Sheet 3) does not appear to include the portion of patio being removed (Sheet 4). Applicant to clarify.
14. The plans indicate that the current tax map parcel 73-10-22.1 will have soil disturbance; applicant to clarify why this land is being disturbed.
15. The Limits of Disturbance Note (Sheet 2) is inconsistent with the limits of disturbance shown on Sheet 3.
16. The plan shows gravel parking and a portion of the paved driveway to be removed; Applicant to clarify final ground covering.
17. The plan shows a portion of the patio to be removed. The plan must indicate the final surface covering that will be replacing the removed patio.

18. Applicant proposes to remove all improvements on tax parcel 73-10-22.1. Please provide additional information about what improvements are being removed and clarify the final ground covering.
19. Siting of drainage feature (rain garden) in courtyard seems closer than recommended 10 feet within foundation walls. Could promote wet basement issues in future.
20. The rain garden has an overflow drain pipe; the outlet of this pipe must be clarified.
21. Plans indicate the existing septic system may be underneath a portion of the new building and within the new septic field area. Notes must be added to the plan to remove demonstrate that the building foundation will be suitable and indicate what would happen if the old septic system is encountered when installing the new system.
22. Please clarify the measurement to what feature (i.e. ponding limit for rain garden) is cited.
23. The septic system soil tests must be witnessed by the office of the Planning Board Engineer.
24. Care must be taken so that vehicular traffic does not traverse over the proposed leach field area. Applicant may wish to consider a more decorative fencing option rather than the line of boulders currently proposed; boulders should not be located over the proposed septic system.
25. Applicant to clarify the re-location of the existing well servicing this property. Drawings to be updated with water supply connection plan and details.
26. Applicant to clarify if proposing to abandon the existing well located on the property.
27. The well and septic system locations for tax lot 73-10-21 must be shown on the drawings. Plan should identify adjacent lots by Section Block and Lot.
28. The approximate 100-ft long by 12-ft wide dock may need NYSDEC permits (Protection of Waters and 401 Water Quality Certification) and USACE permit (there are thresholds for size, fill below high water mark, etc. that need to be determined).
29. The surveyor must sign and seal the plans.
30. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” Sheet 1 under signature block
31. Add a note to the plan stating that the owner of 73-10-22 has access to home via a Right of Way Agreement, filed on the Orange County Clerk’s Office on March 03, 1988 liber 2486 and page 261. This Right of Way Agreement was made part of the new deed and was filed in the Orange County Clerk’s office on April 17, 2018 liber 14381 page 325.
32. Surveyor to certify that iron rods have been set at all property corners.
33. Payment of all fees.

The following comment submitted by the Conservation Board:

Steinmetz 66 Ferncliff Site Plan – None submitted.

The following comment submitted by the ARB:

Steinmetz 66 Ferncliff Site Plan – None submitted.

The following comment submitted by the ARB:

Steinmetz 66 Ferncliff Site Plan – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Applicant has submitted a short EAF. It is an Unlisted Action. There are no other Involved Agencies. The Planning Board could declare itself Lead Agency.

Mr. Kennedy makes a motion for Lead Agency.

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

617.6

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

Name of Action: Steinmetz Single Family Dwelling Site Plan

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan application by Arthur and Carrie Steinmetz for a \pm 1.767 acre parcel of land located at 66 Ferncliff Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 1/30/19 was submitted at the time of application, and

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

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

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

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

Be It Further Resolved, that a Determination of Significance will be made at such time as all information has been received by the Planning Board to enable it to

determine whether the action will or will not have a significant effect on the environment.

Comment #2: Applicant to discuss project.

Elizabeth Cassidy: The site is currently occupied by a single-family home. The Applicant proposes to tear down the existing single-family home and replace it with another single-family home. There is an existing non-conforming garage. It is non-conforming because it has 2 bedrooms in it that you are not aware of. We proposed to attach that and incorporate that into the main structure. It will become part of the main dwelling. In order to solve some of our dimensional issues, my client has recently purchased the adjoining lot next door. Those 2 lots will be merged together. As you see on the plan, most of the property has pavers. A bunch of those pavers will be taken out. We will be reducing the impervious surface by 3,000 s.f.. There will be a new septic installed. The septic system that is there right now is for a 3 bedroom and 2 bath house. The new proposed dwelling will have 5 bedrooms. The new septic system will accommodate that.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 03/01/19 advisory comment for watershed protection

Comment #6: TW Building Department – 02/08/19 finished area above garage needs COC, no bedrooms allowed in finished area above garage, approvals needed for 100' x 12' dock, need 911 number posted

Elizabeth Cassidy: We will take care of that.

Comment #7: ZBA variances are required:

- a. required for rear setback 30-ft required and 29.8-ft provided
- b. setback from property line if do not combine lots (proposing to combine as condition of approval)
- c. possible setback Fern Cliff Road

Elizabeth Cassidy: The new proposed house will meet that requirement. It was a non-issue. It wasn't marked well on the map. The frontage will be on Jersey Ave not Ferncliff Road.

Mr. Astorino: It seems like you will not to go to the ZBA for any of these variances. Is that correct?

Elizabeth Cassidy: Correct.

Mr. Astorino: We can strike Comment #7. Laura, do any of these comments stand out to you?

Laura Barca: No.

Mr. Astorino: Liz, do you have any questions on any of these comments?

Elizabeth Cassidy: I have no objections to these comments.

Mr. Astorino: You can contact our Engineer regarding these comments.

Elizabeth Cassidy: Ok.

Mr. Astorino: We can list Comment #8 through Comment #33 for the record.

Elizabeth Cassidy: We request to be set for a public hearing.

Mr. Kennedy makes a motion to set the Steinmetz application for a Public Hearing at the next available agenda.

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

Elizabeth Cassidy: Thank you.

Comment #8: The survey indicates that one of the pillar entrances to this property is located on an adjacent property. Applicant to clarify.

Comment #9: Applicant to submit letter to Town Assessor's office to combine the two tax lots.

Comment #10: A Firmette was submitted which indicates no concern. A reference note to the FIRM map should be shown on plan.

Comment #11: Survey datum should be noted consistent with FEMA (NAVD 1988).

Comment #12: Whenever soil is disturbed, soil erosion control measures must be installed to prevent erosion into Greenwood Lake. Should include a stabilized construction entrance and identify any trees that require protection.

Comment #13: The limits of soil erosion must be shown on the plan. The limits of disturbance line type (Sheet 3) does not appear to include the portion of patio being removed (Sheet 4). Applicant to clarify.

Comment #14: The plans indicate that the current tax map parcel 73-10-22.1 will have soil disturbance; applicant to clarify why this land is being disturbed.

Comment #15: The Limits of Disturbance Note (Sheet 2) is inconsistent with the limits of disturbance shown on Sheet 3.

Comment #16: The plan shows gravel parking and a portion of the paved driveway to be removed; Applicant to clarify final ground covering.

Comment #17: The plan shows a portion of the patio to be removed. The plan must indicate the final surface covering that will be replacing the removed patio.

Comment #18: Applicant proposes to remove all improvements on tax parcel 73-10-22.1. Please provide additional information about what improvements are being removed and clarify the final ground covering.

Comment #19: Siting of drainage feature (rain garden) in courtyard seems closer than recommended 10 feet within foundation walls. Could promote wet basement issues in future.

Comment #20: The rain garden has an overflow drain pipe; the outlet of this pipe must be clarified.

Comment #21: Plans indicate the existing septic system may be underneath a portion of the new building and within the new septic field area. Notes must be added to the plan to remove demonstrate that the building foundation will be suitable and indicate what would happen if the old septic system is encountered when installing the new system.

Comment #22: Please clarify the measurement to what feature (i.e. ponding limit for rain garden) is cited.

Comment #23: The septic system soil tests must be witnessed by the office of the Planning Board Engineer.

Comment #24: Care must be taken so that vehicular traffic does not traverse over the proposed leach field area. Applicant may wish to consider a more decorative fencing option rather than the line of boulders currently proposed; boulders should not be located over the proposed septic system.

Comment #25: Applicant to clarify the re-location of the existing well servicing this property. Drawings to be updated with water supply connection plan and details.

Comment #26: Applicant to clarify if proposing to abandon the existing well located on the property.

Comment #27: The well and septic system locations for tax lot 73-10-21 must be shown on the drawings. Plan should identify adjacent lots by Section Block and Lot.

Comment #28: The approximate 100-ft long by 12-ft wide dock may need NYSDEC permits (Protection of Waters and 401 Water Quality Certification) and USACE permit (there are thresholds for size, fill below high water mark, etc. that need to be determined).

Comment #29: The surveyor must sign and seal the plans.

Comment #30: Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." Sheet 1 under signature block

Comment #31: Add a note to the plan stating that the owner of 73-10-22 has access to home via a Right of Way Agreement, filed on the Orange County Clerk's Office on March 03, 1988 liber 2486 and page 261. This Right of Way Agreement was made part of the new deed and was filed in the Orange County Clerk's office on April 17, 2018 liber 14381 page 325.

Comment #32: Surveyor to certify that iron rods have been set at all property corners.

Comment #33: Payment of all fees.

Other Considerations:

1. **Fusco Subdivision** – Letter from David Higgins, Lanc & Tully Engineering, dated 4/4/19 addressed to the Planning Board in regards to the Fusco Subdivision – requesting 2nd Re-Approval of 4th Amended Final Approval + 6-Month Extension of a proposed 12-Lot + 1-Affordable Home Cluster subdivision, situated on tax parcel SBL #18-1-31.2; parcel located on the southern side of Taylor Rd 920+/- feet east of intersection with Taylor Rd. & Jessup Rd., in the RU zone, of the Town of Warwick, County of Orange, State of New York. 4th Amended conditional Final Approval granted on 5/17/17. *The Applicant has stated that the owner has continued to market the property and although there has been some interest from builders and developers, she has not found a committed buyer for the property.* The 2nd Re-Approval of 4th Amended Final Approval becomes effective on 5/17/19. The 6-Month Extension becomes effective on 11/17/19.

Mr. McConnell makes a motion on the Fusco Subdivision application, granting “2nd Re-Approval” of 4th Amended Final Approval + 6-Month Extension of a proposed 12-Lot + 1-Affordable Home Cluster subdivision, situated on tax parcel S 18 B 1 L 31.2; parcel located on the southern side of Taylor Road 920± feet east of intersection of Taylor Road and Jessup Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of 4th Amended Final Approval granted on 5/17/17. (See attached).

The 2nd Re-Approval of 4th Amended Final Approval becomes effective on 5/17/19.

The 6-Month Extension becomes effective on 11/17/19.

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

2. **Lands of Sapanaro** – Letter from Kirk Rother, P.E., dated 4/11/19 addressed to the Planning Board in regards to the Sapanaro Subdivision – requesting 2nd Re-Approval of Amended Final Approval + 6-Month Extension of a proposed 4-Lot Cluster subdivision, situated on tax parcel SBL # 31-2-48; parcel located on the north western side of Entin Terrace 1,114± feet south of western side of Acker Rd. (15 Entin Terrace), in the RU zone, of the Town of Warwick. Conditional Amended Final Approval was granted on 4/19/17. *The Applicant has stated they are currently working on satisfying the conditions of the approval which is anticipated to be in the upcoming weeks.* The 2nd Re-Approval of Amended Final Approval becomes effective on 4/19/19. The 6-Month Extension becomes effective on 10/19/19.

Mr. Kennedy makes a motion on the Lands of Sapanaro application, granting “1st Re-Approval” + 6-Month Extension on “Amended” Final Approval of a proposed 4-Lot Cluster subdivision, situated on tax parcel SBL # 3-2-48; parcel located on the north western side of Entin Terrace 1,114± feet south of western side of Ackerman Rd. (Entin Terrace), in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 4/19/17.

The 2nd Re-Approval of Final Approval becomes effective on 4/19/19, subject to the conditions of Final Approval granted on 4/19/17.

The 6-Month Extension becomes effective on 10/19/19.

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

Correspondences:

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

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

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

Mr. McConnell makes a motion to adjourn the April 17, 2019 Planning Board Meeting.

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