

TOWN OF WARWICK PLANNING BOARD

July 17, 2019

“DRAFT”

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, July 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 Angelo Sorrenti**

Application for Final Approval of a proposed 2-Lot subdivision, situated on tax parcels 42 B 1 L 7; parcel located on the eastern side of Foley Road 900 feet south of Silo Lane (29 Foley Rd), in the RU zone, of the Town of Warwick.

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

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

Mr. Astorino: Thank you.

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 (variances were granted on May 28, 2019, this letter will be updated when documentation of the ZBA approval has been received):
  - a. Lot area (Lot 1) - granted
  - b. Lot Width (Lot 1) - granted
  - c. One side setback (Lot 1) - granted
  - d. Both side setbacks (Lot 1) - granted
  - e. Shed (Lot 1), unless shed is removed – not requested
8. The metes and bounds must be provided for Proposed Lot 1.
9. In no case shall the flag lot width be less than 50-ft at any point, §137-21.K(2)(a)[2]. Requesting waiver from 50-ft to 27.6-ft. **Waiver requested.**
10. Flag lots must meet all bulk requirements for the zoning district applicable, §137-21.K(2)(a)[2]. **Waiver requested.** ZBA variances granted 05/28/19

11. 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.**
12. 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. 410-ft. **Waiver requested.**
13. The square rule (137-21.K(1) – Shape of Lot). The 200-ft square does not fit into Lot 1. **Waiver requested.**
14. Provide stormwater management for the proposed garage that is managed on this property. Applicant to show roof and footing drains for the proposed garage.
15. The plans must be signed by the surveyor.
16. The declaration information must be added for Ridgeline, Biodiversity, and Agricultural Notes.
17. Payment in lieu of parkland for one lot.
18. Surveyor to certify that iron rods have been set at all property corners.
19. 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: The Planning Board declared itself Lead Agency. It is an Unlisted Action. There were a couple of SEQRA issues. It is located within the RL-O District. There has been map notes placed on the plans. It is also partially located within the Town's Bio-Diversity Conservation Overlay District. We do have a letter from the State indicating that there are Indiana Bats in the vicinity of this area. My recommendation is that we amend the Bio-Diversity Conservation note to add the time of the year restrictions that the State recommends for the property. It is also located in an Archeological Sensitive Area. The State has already ruled on that there will be no impacts. We have that letter from the State.

Comment #2: Applicant to discuss project.

Dave Getz: Mr. Sorrenti owns 17.8 acres with an existing house on the property on Foley Road. He proposes 2-Lot subdivision with a new property line following this pattern to create a driveway along the northern edge of the lot to a new home behind Lot 1 with a separate garage to be also built on that lot. There is an existing tree line on the property at this location on the map. The rest of the property is wooded with a stream running through at the lowest part of the property. There will be no disturbance proposed within that Bio-Diversity District. We went to the ZBA for several variances due to the unusual configuration of the lots upfront. The ZBA has granted the necessary variances.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – no comments received

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

Comment #7: ZBA variances required (variances were granted on May 28, 2019, this letter will be updated when documentation of the ZBA approval has been received):

- a. Lot area (Lot 1) - granted
- b. Lot Width (Lot 1) - granted
- c. One side setback (Lot 1) - granted
- d. Both side setbacks (Lot 1) - granted
- e. Shed (Lot 1), unless shed is removed – not requested

Mr. Astorino: Those variances have been granted by the ZBA.

Comment #8: The metes and bounds must be provided for Proposed Lot 1.

Dave Getz: Yes. The Surveyor will do that.

Comment #9: In no case shall the flag lot width be less than 50-ft at any point, §137-21.K(2)(a)[2]. Requesting waiver from 50-ft to 27.6-ft. **Waiver requested.**

Mr. Astorino: That makes sense. I have no issue with that waiver.

Comment #10: Flag lots must meet all bulk requirements for the zoning district applicable, §137-21.K(2)(a)[2]. **Waiver requested.** ZBA variances granted 05/28/19

Mr. Astorino: That makes sense. I have no issue with that waiver.

Comment #11: 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.**

Mr. Astorino: That is what we are dealing with.

Comment #12: 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. 410-ft. **Waiver requested.**

Comment #13: The square rule (137-21.K(1) – Shape of Lot). The 200-ft square does not fit into Lot 1. **Waiver requested.**

Mr. Astorino: Does the Board have any comments or concerns on the waivers requested? Let the record show that the waivers requested makes sense and the Board agrees with the requested waivers.

Comment #14: Provide stormwater management for the proposed garage that is managed on this property. Applicant to show roof and footing drains for the proposed garage.

Dave Getz: We will show that.

Comment #15: The plans must be signed by the surveyor.

Dave Getz: Ok.

Comment #16: The declaration information must be added for Ridgeline, Biodiversity, and Agricultural Notes.

Dave Getz: Ok.

Comment #17: Payment in lieu of parkland for one lot.

Dave Getz: Ok.

Comment #18: Surveyor to certify that iron rods have been set at all property corners.

Dave Getz: Will do.

Comment #19: Payment of all fees.

Dave Getz: Ok.

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

Ms. Little: The garage on Lot 2, does that meet the setback requirements?

Dave Getz: Yes.

Mrs. Little: Is the driveway going to be paved?

Dave Getz: Yes. It will be paved in its entirety.

Mr. Bollenbach: We will need to add to Comment #16 regarding the declaration. We need to include RL-O, Bio-Diversity, and Indiana Bats. We will also need to add a No Further Subdivision note on the map and include it in the declaration.

Mr. Astorino: Ok. This is a public hearing. If there is anyone in the audience wishing to address the Sorrenti Subdivision 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 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:** Sorrenti Subdivision

**Whereas**, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed two lot subdivision at 29 Foley Road, Town of Warwick, Orange County, New York, and

**Whereas**, there are other involved agencies pursuant to SEQR, including the Town Zoning Board of Appeals, which has already made its own SEQR determination of no significance, and

**Whereas**, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 3/27/19, 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. Astorino: We will need a motion on the waivers which are Comment #9 through Comment #13.

Mr. McConnell makes a motion to waive the waivers requested in Comment #9 through Comment #13.

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

Mr. Astorino: We need to add a Comment #20. Comment #20, "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permit are obtained."

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

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

Ms. Little makes a motion on the Angelo Sorrenti application, granting Conditional Final Approval for a proposed 2-Lot subdivision, situated on tax parcel S 42 B 1 L 7; parcel located on the eastern side of Foley Road 900 feet south of Silo Lane (29 Foley Rd), in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on July 17, 2019. Approval is granted subject to the following conditions:

1. The metes and bounds must be provided for Proposed Lot 1.
2. In no case shall the flag lot width be less than 50-ft at any point, §137-21.K(2)(a)[2]. Requesting waiver from 50-ft to 27.6-ft. **Waiver granted.**
3. Flag lots must meet all bulk requirements for the zoning district applicable, §137-21.K(2)(a)[2]. **Waiver granted.** ZBA variances granted 05/28/19
4. 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 granted.**
5. 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. 410-ft. **Waiver granted.**
6. The square rule (137-21.K(1) – Shape of Lot). The 200-ft square does not fit into Lot 1. **Waiver granted.**
7. Provide stormwater management for the proposed garage that is managed on this property. Applicant to show roof and footing drains for the proposed garage.
8. The plans must be signed by the surveyor.
9. The declaration information must be added for Ridgeline, Biodiversity, Indiana Bat, No Further Subdivision and Agricultural Notes.
10. Payment in lieu of parkland for one lot.
11. Surveyor to certify that iron rods have been set at all property corners.
12. 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.”
13. Payment of all fees.

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

Dave Getz: Thank you.

**Review of Submitted Maps:*****Valentine Home Builders LLC Subdivision***

Application for Sketch Plat Review of a proposed 3-Lot Subdivision situated on tax parcel S 17 B 1 L 32; parcel located on the southeast side of Union Corners Road, in the RU zone, of the Town of Warwick.

Representing the applicant: Brian Friedler 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 – pending comments
6. TW Building Department – 07/03/19 no violations; open permit for home renovations, expires 06/10/20
7. OCDPW: approval needed for access from Union Corners Road (County Route 41).
8. NYSDEC: additional information on the endangered or threatened bat species
9. Service capacity letters have been mailed and copies provided to the Planning Board Secretary.
10. The metes and bounds for all lot lines, including the proposed lot lines, must be shown on the drawing.
11. Sheet 1, Zoning Data Table, please fill in a response for the Percent Lot Coverage.
12. Sheet 3, the sight distance for Lot 1 should be shown (even though it is an existing driveway).
13. An intermediate SWPPP is required for land development activities greater than one acre to less than five acres of disturbance per § 164-47.10C(2)(b). Drawing states 1.22 acres disturbance.
14. The soil tests for the three proposed septic systems must be witnessed by the Planning Board Engineer.
15. The 911 addresses must be shown on the plan.
16. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”
17. A survey must be signed and sealed by a Licensed Land Surveyor.
18. Surveyor to certify that iron rods have been set at all property corners.
19. The liber and page for the Aquifer Overlay Notes and Agricultural Overlay Notes declaration must be added to the plan.
20. Payment in lieu of parkland fees per §75-3.A(2)(a)(3) for two lots.
21. Payment of all fees.

The following comment submitted by the Conservation Board:

Valentine Home Builders LLC Subdivision – None submitted.

The following comment submitted by the ARB:

Valentine Home Builders LLC Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Applicant has submitted a short EAF to the Planning Board. It is an Unlisted Action. There are other Agencies involved. I had recommend that the EAF be amended because there are other Agencies which are OCDPW, OCDOH, and possibly the NYSDEC. When we checked the NYSDEC wetland maps some of the areas of the proposed parcel right along Union Corners Road are within the 100-foot adjacent area.

Brian Friedler: I sent out that form. I am just waiting to hear back from the DEC.

Mr. Fink: Ok. In your packets there is a Resolution for Lead Agency for the Board's consideration.

Mr. McConnell makes a motion for the 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: Valentine Home Builders Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by Valentine Home Builders, LLC for a ± 13.2 acre parcel of land located at Union Corners Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 6/23/19 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 within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) apply meaning that an Agricultural Data Statement must be filed with the owners of farm operations identified in the Statement, and the Planning Board must then evaluate and consider the Statement to determine possible impacts the proposed



project may have on the functioning of farm operations within the agricultural district, and

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

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

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

Comment #2: Applicant to discuss project.

Brian Friedler: This application is for a proposed 3-Lot subdivision. It is located in the RU zone. The property is situated on 13.2 acres located on Union Corners Road. There is currently one existing single-family dwelling located on the property that he is looking to renovate. There are 2 new houses proposed on the other lots.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Laura Barca: We just received OCPL letter today.

Comment #6: TW Building Department – 07/03/19 no violations; open permit for home renovations, expires 06/10/20

Comment #7: OCDPW: approval needed for access from Union Corners Road (County Route 41).

Comment #8: NYSDEC: additional information on the endangered or threatened bat species

Brian Friedler: That was sent out to the NYSDEC.

Comment #9: Service capacity letters have been mailed and copies provided to the Planning Board Secretary.

Brian Friedler: Yes.

Comment #10: The metes and bounds for all lot lines, including the proposed lot lines, must be shown on the drawing.

Brian Friedler: Yes.

Comment #11: Sheet 1, Zoning Data Table, please fill in a response for the Percent Lot Coverage.

Brian Friedler: Ok.

Comment #12: Sheet 3, the sight distance for Lot 1 should be shown (even though it is an existing driveway).

Brian Friedler: Ok.

Comment #13: An intermediate SWPPP is required for land development activities greater than one acre to less than five acres of disturbance per § 164-47.10C(2)(b). Drawing states 1.22 acres disturbance.

Brian Friedler: Yes. I added to the drawing.

Comment #14: The soil tests for the three proposed septic systems must be witnessed by the Planning Board Engineer.

Brian Friedler: We still have to schedule that.

Comment #15: The 911 addresses must be shown on the plan.

Brian Friedler: Yes.

Comment #16: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”

Brian Friedler: Ok.

Comment #17: A survey must be signed and sealed by a Licensed Land Surveyor.

Brian Friedler: Yes.

Comment #18: Surveyor to certify that iron rods have been set at all property corners.

Brian Friedler: Yes.

Comment #19: The liber and page for the Aquifer Overlay Notes and Agricultural Overlay Notes declaration must be added to the plan.

Brian Friedler: Ok.

Comment #20: Payment in lieu of parkland fees per §75-3.A(2)(a)(3) for two lots.

Brian Friedler: Ok.

Comment #21: Payment of all fees.

Brian Friedler: Yes.

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

Brian Friedler: We ask the Board to set us for a public hearing.

**Mr. Showalter makes a motion to set the Valentine Subdivision Application for a Final Public Hearing at the next available agenda.**

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

Brian Friedler: Thank you.

***Carol Sapanaro Subdivision 2<sup>nd</sup> Amended Final Approval***

Application for 2<sup>nd</sup> Amended Conditional Final Approval of a proposed 4-Lot Cluster subdivision, situated on tax parcel S 31 B 2 L 48; parcel located on the north western side of Entin Terrace 1144± feet south west of Ackerman Road (15 Entin Terrace), in the RU zone, of the Town of Warwick. Original Conditional Final Approval was granted on October 19, 2016. An Amended Conditional Final Approval was granted April 29, 2017.

Representing the applicant: Kirk Rother Engineering. Jeff Sapanaro, Applicant.

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 – 02/23/15 advisory comment to move house lower on the hill
6. TW Building Department – 01/16/15 open permit for pool (14922), open permit for shed (15076); 04/05/17 both permits are still open.
7. Additional information is needed for the grading in front and behind the guiderail, including how it relates to the driveway and termination details for the end section are missing. In addition, according to the driveway details there is guide rail on both sides; however this is not reflected in the plan view. Either add guiderail to other side of driveway to plan view or add note to section view “where shown on plan” next to the guiderail callout.
8. This subdivision proposes to disturb approximately 1.9 acres and thus requires an intermediate SWPPP, including two better site design practices.
9. On Sheet 4, the driveway detail for Lot 4 indicates that it will typically be crowned in the center of the driveway. However, the grading shown for this driveway indicates that it is relatively flat and sometimes pitching in an adverse direction. Around a curve the outside of the curve should be on the high side to counteract the forces of the vehicle going around that curve (there are areas of the driveway that should be superelevated). Adverse cross slopes can be OK in certain situations; however the design speed, vehicle weight, horizontal alignment, horizontal curvature, rate of vertical curvature, and cross slope need to be provided to demonstrate that they are within the design parameters. A separate detail for superelevation is shown; however, the location of the 2 driveway types (i.e. crowned vs. superelevated, should be noted on the plan or profile view. Also, label the typical cross slopes on the section views.
10. The language for what is allowed and/or what is not allowed in the conservation easement must be submitted, including the well on proposed lot 1 (see §164-41.1.J(2)).
11. A maintenance agreement acceptable to the Town of Warwick must be established between the owner and the conservation organization or the Town of Warwick to insure perpetual maintenance of the open space.
12. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” (Sheet 1, Note 12)
13. Applicant to clarify ownership of the private road and proposed common driveway (between Lots 3 and 4).

14. Applicant to submit a private road access and maintenance agreement for Entin Terrace and for the proposed common driveway.
15. Plans should be revised to better delineate where the private road (Entin Terrace) and where the common driveway are located. The end of the common driveway shall be called out on Sheet 3.
16. The grading for the emergency vehicle turnaround shall be added to the plan. Although there is some grade information on sheet 3, the scale of the plan and other line work makes the grading difficult to follow. An enlargement or inset is requested to better depict grading separate from other line work. The grading does not appear to reflect the crowned sections or the 1ft flat area for the guiderail.
17. Applicant to clarify if the emergency vehicle turnaround is part of the common driveway, including surface covering and within common driveway description.
18. Sheet 1, Note 17 references an extension of the common driveway; applicant to clarify within this note a description of the “extension of the common driveway.”
19. The declaration information for the Ridgeline Overlay notes and Open Space Area must be added to the plans.
20. Surveyor must sign and seal the plat (Sheet 2).
21. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at all Open Space Area corners.
22. Payment of lieu of parkland fees per §75-3.A(2)(a)(3) for 3 lots.
23. A bond and site inspection fee shall be posted for the proposed common driveway and for the existing private road (Entin Terrace). The bond for Entin Terrace is to confirm that no damage will take place during construction efforts. Cost estimates for this work must be submitted to the Planning Board Engineer.
24. Payment of all fees.

The following comment submitted by the Conservation Board:

Carol Sapanaro Subdivision 2<sup>nd</sup> Amended Final Approval – None submitted.

The following comment submitted by the ARB:

Carol Sapanaro Subdivision 2<sup>nd</sup> Amended Final Approval – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has previously adopted a Negative Declaration on October 19, 2016. There are no significant changes to the project that would impact SEQRA. No SEQRA review is necessary.

Comment #2: Applicant to discuss project.

Jeff Sapanaro: I am amending the subdivision to make one of the lots a little bigger.

Laura Barca: Some of the Conservation area is being taken from Lot #4 and added to Lot #3. We discussed that at the Work Session.

Mr. Astorino: Yes.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 02/23/15 advisory comment to move house lower on the hill

Comment #6: TW Building Department – 01/16/15 open permit for pool (14922), open permit for shed (15076); 04/05/17 both permits are still open.

Comment #7: Additional information is needed for the grading in front and behind the guiderail, including how it relates to the driveway and termination details for the end section are missing. In addition, according to the driveway details there is guide rail on both sides; however this is not reflected in the plan view. Either add guiderail to other side of driveway to plan view or add note to section view “where shown on plan” next to the guiderail callout.

Kirk Rother: Ok. Laura, these are the same comments from the previous approval. Is that correct?

Laura Barca: Yes. There is one comment, Comment #13 regarding the ownership of the private road and proposed common driveway between Lots 3 and 4. The owner of Lot #4 use to own everything. Now it is shared between Lot # 3 and Lot #4 as the way it is shown on the plans.

Jeff Sapanaro: Correct.

Mr. Astorino: Is that going to be done in a Declaration?

Laura Barca: I just wanted to make sure that is what they want to do. If it is, then it either has to be presented in the Declaration or corrected in the Declaration.

Kirk Rother: The Board had us put in this loop turnaround for emergency vehicle turnaround. In the prior approval, this whole area was owned by Lot #4. At that time, Jeff was planning on keeping that. Now with the lot line running through the gas line, it is split in half. The driveway easement will still encompass all of it. It will be part of the Maintenance Agreement. Every lot would have the right to use that.

Laura Barca: Ok.

Mr. Astorino: Do any Board members or Professionals have any comments or concerns? We will list Comment #8 through Comment #24 for the record. Does the Applicant wish to waive the Final Public Hearing?

Kirk Rother: Yes. There are no physical changes be made to the property.

Ms. Little: I just want to make sure that this Maintenance Agreement or Driveway Agreement will be permanent?

Kirk Rother: Yes. It will be.

Mr. Bollenbach: It will be in the Declaration.

Mr. Astorino: It was included in the Declaration the last time. We just want to make sure it is included now.

Ms. Little: Yes.

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

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

Ms. Little makes a motion on the Carol Sapanaro Subdivision application, granting granted Conditional 2<sup>nd</sup> Amended Final Approval for a proposed 4-Lot Cluster subdivision, situated on tax parcel S 31 B 2 L 48; parcel located on the north western side of Entin Terrace 1144± feet south west of Ackerman Road (5 Entin Terrace), in the RU zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on October 19, 2016. Approval is granted subject to the following conditions:

1. TW Building Department – 01/16/15 open permit for pool (14922), open permit for shed (15076); 04/05/17 both permits are still open.
2. Additional information is needed for the grading in front and behind the guiderail, including how it relates to the driveway and termination details for the end section are missing. In addition, according to the driveway details there is guide rail on both sides; however this is not reflected in the plan view. Either add guiderail to other side of driveway to plan view or add note to section view “where shown on plan” next to the guiderail callout.
3. This subdivision proposes to disturb approximately 1.9 acres and thus requires an intermediate SWPPP, including two better site design practices.
4. On Sheet 4, the driveway detail for Lot 4 indicates that it will typically be crowned in the center of the driveway. However, the grading shown for this driveway indicates that it is relatively flat and sometimes pitching in an adverse direction. Around a curve the outside of the curve should be on the high side to counteract the forces of the vehicle going around that curve (there are areas of the driveway that should be superelevated). Adverse cross slopes can be OK in certain situations; however the design speed, vehicle weight, horizontal alignment, horizontal curvature, rate of vertical curvature, and cross slope need to be provided to demonstrate that they are within the design parameters. A separate detail for superelevation is shown; however, the location of the 2 driveway types (i.e. crowned vs. superelevated, should be noted on the plan or profile view. Also, label the typical cross slopes on the section views.
5. The language for what is allowed and/or what is not allowed in the conservation easement must be submitted, including the well on proposed lot 1 (see §164-41.1.J(2)).
6. A maintenance agreement acceptable to the Town of Warwick must be established between the owner and the conservation organization or the Town of Warwick to insure perpetual maintenance of the open space.
7. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” (Sheet 1, Note 12)
8. Applicant to clarify ownership of the private road and proposed common driveway (between Lots 3 and 4).
9. Applicant to submit a private road access and maintenance agreement for Entin Terrace and for the proposed common driveway.

10. Plans should be revised to better delineate where the private road (Entin Terrace) and where the common driveway are located. The end of the common driveway shall be called out on Sheet 3.
11. The grading for the emergency vehicle turnaround shall be added to the plan. Although there is some grade information on sheet 3, the scale of the plan and other line work makes the grading difficult to follow. An enlargement or inset is requested to better depict grading separate from other line work. The grading does not appear to reflect the crowned sections or the 1ft flat area for the guiderail.
12. Applicant to clarify if the emergency vehicle turnaround is part of the common driveway, including surface covering and within common driveway description.
13. Sheet 1, Note 17 references an extension of the common driveway; applicant to clarify within this note a description of the "extension of the common driveway."
14. The declaration information for the Ridgeline Overlay notes and Open Space Area must be added to the plans.
15. Surveyor must sign and seal the plat (Sheet 2).
16. Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at all Open Space Area corners.
17. Payment of lieu of parkland fees per §75-3.A(2)(a)(3) for 3 lots.
18. A bond and site inspection fee shall be posted for the proposed common driveway and for the existing private road (Entin Terrace). The bond for Entin Terrace is to confirm that no damage will take place during construction efforts. Cost estimates for this work must be submitted to the Planning Board Engineer.
19. Payment of all fees.

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

Kirk Rother: Thank you.

Jeff Sapanaro: Thank you.

Comment #8: This subdivision proposes to disturb approximately 1.9 acres and thus requires an intermediate SWPPP, including two better site design practices.

Comment #9: On Sheet 4, the driveway detail for Lot 4 indicates that it will typically be crowned in the center of the driveway. However, the grading shown for this driveway indicates that it is relatively flat and sometimes pitching in an adverse direction. Around a curve the outside of the curve should be on the high side to counteract the forces of the vehicle going around that curve (there are areas of the driveway that should be superelevated). Adverse cross slopes can be OK in certain situations; however the design speed, vehicle weight, horizontal alignment, horizontal curvature, rate of vertical curvature, and cross slope need to be provided to demonstrate that they are within the design parameters. A separate detail for superelevation is shown; however, the location of the 2 driveway types (i.e. crowned vs. superelevated, should be noted on the plan or profile view. Also, label the typical cross slopes on the section views.

Comment #10: The language for what is allowed and/or what is not allowed in the conservation easement must be submitted, including the well on proposed lot 1 (see §164-41.1.J(2)).

Comment #11: A maintenance agreement acceptable to the Town of Warwick must be established between the owner and the conservation organization or the Town of Warwick to insure perpetual maintenance of the open space.



Comment #12: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” (Sheet 1, Note 12)

Comment #13: Applicant to clarify ownership of the private road and proposed common driveway (between Lots 3 and 4).

Comment #14: Applicant to submit a private road access and maintenance agreement for Entin Terrace and for the proposed common driveway.

Comment #15: Plans should be revised to better delineate where the private road (Entin Terrace) and where the common driveway are located. The end of the common driveway shall be called out on Sheet 3.

Comment #16: The grading for the emergency vehicle turnaround shall be added to the plan. Although there is some grade information on sheet 3, the scale of the plan and other line work makes the grading difficult to follow. An enlargement or inset is requested to better depict grading separate from other line work. The grading does not appear to reflect the crowned sections or the 1ft flat area for the guiderail.

Comment #17: Applicant to clarify if the emergency vehicle turnaround is part of the common driveway, including surface covering and within common driveway description.

Comment #18: Sheet 1, Note 17 references an extension of the common driveway; applicant to clarify within this note a description of the “extension of the common driveway.”

Comment #19: The declaration information for the Ridgeline Overlay notes and Open Space Area must be added to the plans.

Comment #20: Surveyor must sign and seal the plat (Sheet 2).

Comment #21: Surveyor to certify that iron rods have been set at all property corners and stone cairns have been set at all Open Space Area corners.

Comment #22: Payment of lieu of parkland fees per §75-3.A(2)(a)(3) for 3 lots.

Comment #23: A bond and site inspection fee shall be posted for the proposed common driveway and for the existing private road (Entin Terrace). The bond for Entin Terrace is to confirm that no damage will take place during construction efforts. Cost estimates for this work must be submitted to the Planning Board Engineer.

Comment #24: Payment of all fees.

***Village View Estates #2***

Application for Site Plan Approval for the construction and use of a proposed through road connection from Woodside Drive to Sleepy Valley Road and detention ponds to serve Village View subdivision in the Village of Warwick, situated on tax parcels S 43 B 1 L 3 and L 4.2 and S 31 B 2 L 84.1, 84.2 and 85.2; parcels located on the western side of Sleepy Valley Road 2,300 feet north of Woodside Dr., in the SL zone, of the Town of Warwick.

Representing the applicant: Kirk Rother, P.E.

The following comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board: no comments received
4. Architectural Review Board: no comments received
5. TW Building Department: 04/29/19 vacant, no violations
6. OC Planning Department: pending comments
7. Written permission from the utility easement beneficiary will be required in order to cross over the easement.
8. Typical tax map numbers, owner names, etc. should be shown on all parcels depicted on Sheet 1.
9. Applicant to consider combining all parcels within the Town into one lot, except for a lot line change on 43-1-4.2 approximately 50-ft from the Village boundary to allow the Village to maintain its future culvert. In 06/26/19 cover letter, Applicant states that consolidation of tax lots could be a condition of final approval. Applicant to show lot line change to allow the consolidation with Village agreement.
10. A note shall be added to the plans stating that no residential development shall be conducted in the Town of Warwick until a plan approved by the Town of Warwick Planning Board has been signed by the Planning Board Chairman. Applicant would like to construct one single-family dwelling on each side of the new Town road without needing Planning Board approval.
11. The following items are missing from the Site Plan and Special Use Checklist:
  - a. Short EAF,
  - b. Stormwater Pollution Prevention Plan,
  - c. NYSDEC Environmental Resource Map,
  - d. National Wetlands Inventory Map,
  - e. FEMA Floodplain Map,
  - f. Service Capacity Letters deemed appropriate,
  - g. Licensed Land Surveyor plan,
  - h. Identification of property owners within 300-ft,
  - i. Approval signature block,
  - j. Erosion and Sediment Control plan and details,
  - k. Landscape plantings details and notes,
  - l. Location, design, and construction materials for all existing and proposed walkways, bicycle paths and racks, benches, ramps, outdoor storage or display areas, and retaining and/or landscaping walls and fences,
  - m. Road sign locations, and

- n. Street rights-of-way within 200-ft of the property boundaries, including name, location, width, and speed limit.
12. The following notes must be added to the plan:
  - a. Signature block
  - b. Underground utility note
  - c. Limit of disturbance note
  - d. For projects with access onto a Town Road
13. It is noted that the Town of Warwick Yield Plans shows a minimum lot area of 2.82 acres when using the Environmental Control Formula; 3 acres is typically required in the SL zone. Over the 73.4 acres to be developed, the difference in lot count is two lots.
14. A snow storage area (and easement), as well as a truck turnaround area shall be specifically called out on the plans. If the stub is used as a snow storage area now, Applicant to clarify where the Village and Town trucks will turn around and pile snow when the roadway is completed.
15. A note must be added to the plan stating the area of disturbance. The type of SWPPP to be prepared and any best management practices should be included, according to §164-47.10C(2). The SWPPP should discuss phasing such that limits disturbance will be less than 5 acres at any one time. If not, then a waiver must be sought during construction.
16. Street trees shall be shown on the plans in accordance to the Town of Warwick Town Code.
17. The Town of Warwick public road cross section must be added to the plan. A detail was added to Sheet 4. If Applicant elects to conduct testing in accordance with §A168, this testing shall be completed prior to the Planning Board chairman signing the plans; the final roadway design will be included on the final plan set.
18. The metes and bounds for all lot lines, including the proposed lot lines, must be shown on the drawing. The surveyor information should be included on the plat.
19. The surveyor must sign and seal the plan that shows the metes and bounds.
20. 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.”
21. SEIS Scope of Work dated 04/23/19, Section III.C The agencies should be indicated as being Involved or Interested and the permits/approvals required should be specifically stated.
22. SEIS Scope of Work dated 04/23/19, Section IV.A to K only some of these major topics are proposed to be discussed for the possible future development of adjacent lands owned by the project sponsor. At a minimum, this future possibility should also be discussed in Sections A, F, H, J, and K.
23. SEIS Scope of Work dated 04/23/19, Section IV.E. A full Stormwater Management Plan for the Reduced Scale Alternative shall be included as an Appendix.
24. SEIS Scope of Work dated 04/23/19, Section IV.G. A complete Traffic Study Report for the Reduced Scale Alternative shall be included as an Appendix. Applicant should include a minimum of the first two possible future Town of Warwick subdivision lots and possibly others as well.
25. SEIS Scope of Work dated 04/23/19, Section IV.G. Traffic Study. The scope of work should specifically state what the roadway improvements along Locust Street are and if these improvements are still proposed. According to 06/26/19 cover letter, the Applicant is no longer proposing improvements to Locust Street.
26. SEIS Scope of Work dated 04/23/19, Section V, VII, VIII, and IX. Adverse Impacts that Cannot be Avoided states that no new discussion will be in the SEIS. Without the additional reports being completed, it seems too early in the process to conclude that there will not be any of these potential impacts. The scope of work should leave these areas open for review in case additional discussion is necessary.
27. The declaration information for the Ridgeline Overlay district, Stormwater Management Facility Maintenance, and time of tree clearing (Indiana Bats) shall be added to the plans.

28. Surveyor to certify that iron rods have been set at all property corners.
29. Performance Bond and Landscape Bond for the future Town Road construction. The related cost estimates shall be provided for review to the Planning Board Engineer.
30. Payment of all fees.

The following comment submitted by the Conservation Board:

Village View Estates #2 – None submitted.

The following comment submitted by the ARB:

Village View Estates #2 – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: At this point, the Village of Warwick Planning Board is acting as Lead Agency. The Applicant will be preparing a SEIS that would be addressing changes that they had made to the subdivision in the Village of Warwick and including the proposed Town road.

Mr. Astorino: Could you go through as to what this SEIS is going to include that we are requesting from our Board regarding the traffic and the 24 or 25 lots?

Mr. Fink: Yes. They are proposing stormwater within there. I had comments on the Scoping Document. I believe the Scoping Period in the Village is open for another two weeks. Do any Planning Board members want to submit comments?

Kirk Rother: It was before the Village of Warwick Planning Board last Tuesday. They voted to accept the Scoping Document subject to a 28-day written comment period.

Mr. Fink: Ok. The written comment period is open 28 days. The concerns about the road within the Town, I have a comment that they are doing a Physical Impact Analysis for the proposed subdivision in the Village. I had also asked them to extend the Physical Impact Analysis to include the cost to the Town as result with the road with no other development happening in the Town. Other than that, I had a couple of other minor comments. The Scoping Document is a comprehensive document that will be addressing the traffic to Sleepy Valley Road, water, sewer, wetlands, and stormwater.

Mr. Astorino: Will there be a generic buildout?

Mr. Fink: Yes. It will include a generic conceptual buildout within the Town.

Mr. Astorino: For the record, that would have to come to our Board on if or when that ever happens in the Town. As of right now, we are just looking at the through-road and detention bonds. Is that correct?

Mr. Fink: Yes. That is right.

Mr. Astorino: The SEIS that the Village is looking at does include the impacts from some of this. If they ever wanted to build on the Town's portion, they would have to come before the Town of Warwick Planning Board.

Mr. Fink: Correct. It is only a conceptual basis. SEQRA does require that any related actions like that be addressed not necessarily to the full extent as it is being addressed through the Village because there is construction proposed. The only construction proposed in the Town of Warwick are the stormwater and the road. Any additional development beyond the stormwater and the proposed road would have to come back for SEQRA review by the Town Planning Board.

Mr. Astorino: Ok. Do any Board members or Professionals have any comments or concerns? Laura, do any of these comments stand out?

Laura Barca: No. These comments are no different since the Work Session.

Kirk Rother: Laura, I see that you had some comments here regarding some SEQRA documents that we have not submitted. All of that will be included in the SEIS.

Laura Barca: Once you submit the SEIS to the Town Planning Board, then it would come off the list of comments.

Kirk Rother: Ok.

Mr. Astorino: Ted, is that acceptable?

Mr. Fink: Yes. Any time you get into the EIS process that supersedes any Environmental Assessment Forms.

Mr. Astorino: We just want to make that clear on our end.

Mr. Fink: Yes.

Comment #2: Applicant to discuss project.

Kirk Rother: There is an application for a subdivision in the Village of Warwick 42-dwelling units with a mix of one-family and two-family structures. There was an original proposal to connect to Locust Street in the Village. We revised that to connect through Sleepy Valley Road in the Town of Warwick.

Mr. Astorino: We did a site visit tonight. Does the Board or Professionals have any comments or concerns? It is pretty straight-forward.

Mr. McConnell: I agree.

Kirk Rother: The Scoping Document in the Village already does incorporate Ted's comments.

Mr. Astorino: Ok. We will list Comment #3 through Comment #30 for the record. You will be back.

Kirk Rother: Yes. Thank you.

Comment #3: Conservation Board: no comments received

Comment #4: Architectural Review Board: no comments received

Comment #5: TW Building Department: 04/29/19 vacant, no violations

Comment #6: OC Planning Department: pending comments

Comment #7: Written permission from the utility easement beneficiary will be required in order to cross over the easement.

Comment #8: Typical tax map numbers, owner names, etc. should be shown on all parcels depicted on Sheet 1.

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- q. Limit of disturbance note
- r. For projects with access onto a Town Road

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Comment #29: Performance Bond and Landscape Bond for the future Town Road construction. The related cost estimates shall be provided for review to the Planning Board Engineer.

Comment #30: Payment of all fees.

**Other Considerations:**

1. Planning Board to discuss Canceling the 7/29/19-Work Session & 8/7/19-Planning Board Meeting.

Mr. Showalter makes a motion to Cancel the 7/29//19-Work Session & 8/7/19-Planning Board Meeting.

**Correspondences:**

1. Letter from Karen Emmerich, Lehman & Getz Engineering, dated 7/15/19 in regards to Pulpit Rock Inn.

Mr. Astorino: I read the letter from Lehman & Getz Engineering. It does not change my mind one bit. I ask that Ted Fink, our Town Planner prepare a Positive Declaration for our next available meeting.

Mr. Fink: Yes.

Mr. Astorino: I feel it is a wise move to go this way with a Positive Declaration.

Ms. Little: I feel the same.

Mr. Astorino: Ted, please could you prepare that document for our next available meeting?

Mr. Fink: Yes.

**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 July 17, 2019 Planning Board Meeting.**

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