

TOWN OF WARWICK PLANNING BOARD

September 18, 2019

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, September 18, 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 Raymond and Hanne Ruskiewicz

Application for Site Plan Approval and Special Use Permit for the construction and use of 120' Cell Tower a/k/a *View Wireless Infrastructure, LLP*. with 60'x60' compound and related improvements, including antennas, cables and equipment, situated on tax parcel S 3 B 1 L 56.3; parcel located on the north side of Liberty Corners Road (31 Ruskiewicz Lane) in the SL zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Scott Olson from Young Sommers, LLC. Mike Crosby from Verizon Wireless.

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

Mr. Astorino: Thank you.

Mr. Astorino: Before we start, I would like to introduce our Professionals. Ted Fink, Town Planner, Laura Barca, Planning Board Engineer, John Bollenbach, Planning Board Attorney and Mike Musso from HDR Engineering. I will let Mike Musso introduce himself.

Mike Musso: Chairman of the Board and Members of the public, I would like to say Thank you for having me here in Warwick tonight. I am a Senior Project Engineer and Human Health Risk Assessor with HDR Engineering. I work with our wireless review section. I have been doing that since the year 2000 when cell phones and devices were much different and cell towers and infrastructure was much different than it is today. Over the years we worked for approximately 25 to 30 Municipalities throughout the State of New York and in the Hudson Valley, Westchester, Rockland, Orange, Putnam and Dutchess Counties. We have done some reviews further upstate and down in Long Island. I do want to note that HDR has made a commitment not to work for the industry. We review applications and made the commitment to only represent and work for the Municipalities, Towns, Villages, and Cities in New York. That is my background.

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. OCPD: 01/09/19 no advisory comments
6. Building Department: 12/26/18 open permit for fence (23975); permit needed for shed (04/05/12 title letter); Permits closed 03/25/19
7. OCDPW: 09/18/19 OCDPW approval letter to allow access from Liberty Corners Road
8. NYSDEC: regarding threatened and endangered species; 07/18/19 NYSDEC letter
9. USFWS: 12/19/18 US Fish and Wildlife response letter; no further comments, no anticipated measurable impacts
10. Provide Emergency Service Plan and post contact information at the site for emergency purposes.
11. §164-78.A Applicant to show/describe on drawings how this facility will be camouflaged. §164-79.A.(1)(a) or (b) The Board must determine if additional landscaping/ screening should be installed. A Landscape plan shall be submitted §164-80.C(8). Actual color samples for materials of construction should be provided (§164-80.C(7)). Applicant to show landscaping along Liberty Corners Road to Town Planner's specifications.
12. §164-79.A.(1) and (4) The color of the towers, cabinets, and associated accessory structures are required to be non-reflective; color samples must be submitted. The color scheme will be dependent on the monopole configuration (e.g., stealth tree or conventional monopole). A stealth tree configuration is included in the photosimulations and is under Planning Board review. Color samples must be submitted.
13. §164-79.C(3) Applicant to provide foundation design/report, see also §164-80.B(3). The final structural foundation design and report should be submitted as part of the final conditions of the Planning Board.
14. Declaration information (liber and page after filing in Orange County Clerk's Office) for the Agricultural Overlay District and shared driveway (if still proposed) must be added to the plan. The project attorney will prepare a document including all notes applicable to this project that will be filed in the Orange County Clerk's Office (e.g., Agricultural Overlay District, Indiana Bat time of year clearing note, etc.).
15. Sheet C-2 & detail 3/C-4 show the requested information. It should be noted that the name of the plant is *Juniperus virginiana* 'Emerald Sentinel' not Emerald Sentinel. The proposed vegetation must be adjusted because of the updated driveway location.
16. 164-83 (A1) Add a note to the plan: An annual RF Emissions report shall be submitted to the Town of Warwick Building Department. The annual report shall assess cumulative RFR. (Complete; Sheet T-1).
17. 164-83 (B) Add a note to the plan: An annual structural report shall be submitted to the Town of Warwick Building Department for the tower structure. (Complete; Sheet T-1).
18. Add a note to the plan: An annual access maintenance contract shall be submitted to the Town of Warwick Building Department by May 1st of each calendar year. (Complete; Sheet T-1).
19. Sheet C-1A (and other associated drawings) contain the updated stormwater information and details. The stormwater management plan must be in compliance with §164-47.10
20. Sheet C-3: the gravel drive detail title should be updated to paved drive detail.
21. Sheet C-4, the gravel surfacing treatment detail should be removed from the plan because there are no surfaces proposed to be gravel. Also, Sheet C-5 should be updated to show only the paved driveway access, which shows a foundation course of 8" of NYSDOT Item 304.02 and a wearing course of 2" of asphalt.
22. Since access has been granted from OCDPW from Liberty Corners Road, the driveway is proposed to be paved and not to be shared. The maintenance of the driveway will be the responsibility of the tower owner.
23. A cost estimate for a three-year landscape bond must be submitted for review and acceptance. A three-year cash landscape bond must be provided.
24. A cost estimate for the Performance Bond must be submitted for review and acceptance.

25. Certification of iron pins at the corners.
26. Payment of all fees.

The following comment submitted by the Conservation Board:

View Wireless Infrastructure, LLP – None submitted.

The following comment submitted by the ARB:

View Wireless Infrastructure, LLP – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has been acting as Lead Agency on this under the State Environmental Quality Review Act also known as SEQRA. We have been using the Full EAF including a number of extra studies that were done for the Environmental Impact review of the proposed cell tower. That included a Visual Resource evaluation. The Planning Board required that there would be a balloon test done. The Board identified a number of locations within a 3-mile radius of the proposed cell tower site. There were photographs made in the surrounding area to identify how visible would this new cell tower be? That was done earlier in the year. It was advertised in the Newspapers so that everyone was noticed when the balloons would be up. Some of you may have seen the balloons at that time. The original Resource Evaluation then prepared photo simulations that actually superimposed the proposed cell tower, which has been proposed as a monopine. It resembles a white pine tree that was superimposed. The Board has a copy of the Resource Evaluation. That was thoroughly reviewed. There were two other primary issues that were identified by the NYSDEC. They identified 2 listed endangered and threatened species which are the Indiana Bat and the Short Eared Owl. They inhabit the area around where the proposed cell tower is to be located. They inhabit many areas in Warwick. There were studies done on this. The NYSDEC recommended that there would be time of year restrictions imposed on the cutting of trees to protect the Indiana Bats which roosts in trees in the summer months. With the Short Eared Owl, that went to review not only to the NYSDEC but also to the US Fish & Wildlife Services as well. They believe that there would be no impact on the Short Eared Owl. The 3rd issue under SEQRA that was reviewed was archeology. We have a correspondence from SHPO stating that there was no impact. That is pretty much it on SEQRA. I do have one recommendation. We to have on the maps acknowledgement of species within the area and a map note that specifies the time of year restrictions.

Mr. Astorino: We will add that note to the map.

Mr. Fink: We need to follow the State guidelines and impose that restriction so it covers the period from November 1st to March 31st for no tree cutting.

Mr. Astorino: Ok.

Mr. Bollenbach: That could also be incorporated into the Declaration.

Mr. Astorino: Ok.

Comment #2: Applicant to discuss project.

Scott Olson: I represent View Wireless and Verizon Wireless. I am here to talk about this Site Plan and Special Use Permit application that is before the Planning Board since January of 2019. Prior to that, we had an application pending for a different location that was pending for about a year or so. We are now proposing a cell tower on Ruskiewicz Lane. On the site plan, it includes a 120-foot Monopine camouflaged tree tower. On the table we have samples of what the branches and pine needles would look like. It is located within a 60'x 60' leased area. Access on Ruskiewicz Lane was somewhat of an issue. We received confirmation late today before 5pm that we are all set to have a curb-cut off Liberty Corners Road.

Mr. Astorino: The Planning Board is in possession of that letter. We already have that.

Scott Olson: It is going to be a single use driveway. Because of the grade of it in a certain location, it will be paved as per Town's Zoning Law. The plans that we have here show that we have adequate space on the tower for antennas. We have here tonight Mike Crosby from Verizon. He is our RF Specialist. We had done a detailed search of the search area that showed there are no existing towers. This Town does not have many towers. You probably know that the service in this area for Verizon is practically no service or terrible service in this area. The cell phone service is working on 1-frequency. Verizon operates on 3 or 4 frequencies. Looking at the data, there is really no service in this area on that frequency. Anyone with Verizon Wireless services would not know that on their phone. We have a license from the FCC. We have an obligation and requirement to build out the 2100 MHz frequency. We operate 3 or 4 frequencies. We try to make sure that all of the frequencies are properly developed. In addition to providing additional coverage, it doesn't exist in those frequencies. We also need this site for capacity reasons. There are other sites in the Town surrounding areas that provide some limited service that you might get on your phone. The problem is that they cannot adequately serve this area and its population. It is a capacity site and coverage site. Our information details that fairly clearly. We have the FAA Analysis in our application that says that we don't have to register the site and the tower does not have to be lit or marked in any way because there are no nearby airports. We have an emissions study. We have a licensed Engineer who has confirmed that the signal emissions that we will generate will be substantially less than what we are allowed by law to emit by hundreds of times. We confirmed that. Once that was confirmed the Federal Law basically says you can't consider that there are any health impacts as a result of that. We are in full-compliance with all FCC Laws, Rules and Regulations. We have a non-interference analysis in the application. It demonstrates that they would not interfere with your TV, Pacemakers, Hearing Aids, Radios or anything like that. All of those uses operate on a totally different licensed frequency. We have a Noise Analysis to take into account that we have an emergency backup generator. We confirmed with our Engineer that we will be below the Town's required maximum. The generator will not run all the time. It is just a backup generator if the power

should be lost. It would only run once a week for about 45 minutes to keep it lubricated. We have samples of what the balloon looked like at different locations and as what the tower would look like as a monopine tower.

Comment #3: Conservation Board: no comments received

Comment #4: Architectural Review Board: no comments received

Comment #5: OCPD: 01/09/19 no advisory comments

Comment #6: Building Department: 12/26/18 open permit for fence (23975); permit needed for shed (04/05/12 title letter); Permits closed 03/25/19

Comment #7: OCDPW: 09/18/19 OCDPW approval letter to allow access from Liberty Corners Road

Mr. Astorino: We received that today.

Comment #8: NYSDEC: regarding threatened and endangered species; 07/18/19 NYSDEC letter

Comment #9: USFWS: 12/19/18 US Fish and Wildlife response letter; no further comments, no anticipated measurable impacts

Mr. Astorino: We have all of these in our files.

Comment #10: Provide Emergency Service Plan and post contact information at the site for emergency purposes.

Mr. Bollenbach: The Applicant has submitted one in draft form for review.

Comment #11: §164-78.A Applicant to show/describe on drawings how this facility will be camouflaged. §164-79.A.(1)(a) or (b) The Board must determine if additional landscaping/screening should be installed. A Landscape plan shall be submitted §164-80.C(8). Actual color samples for materials of construction should be provided (§164-80.C(7)). Applicant to show landscaping along Liberty Corners Road to Town Planner's specifications.

Mr. Astorino: We discussed that.

Scott Olson: Yes. We did. We have brought in samples. We will comply.

Comment #12: §164-79.A.(1) and (4) The color of the towers, cabinets, and associated accessory structures are required to be non-reflective; color samples must be submitted. The color scheme will be dependent on the monopole configuration (e.g., stealth tree or conventional monopole). A stealth tree configuration is included in the photosimulations and is under Planning Board review. Color samples must be submitted.

Scott Olson: We have samples.

Mr. Bollenbach: They must be non-reflective earth tones.

Comment #13: §164-79.C(3) Applicant to provide foundation design/report, see also §164-80.B(3). The final structural foundation design and report should be submitted as part of the final conditions of the Planning Board.

Scott Olson: Correct.

Comment #14: Declaration information (liber and page after filing in Orange County Clerk's Office) for the Agricultural Overlay District and shared driveway (if still proposed) must be added to the plan. The project attorney will prepare a document including all notes applicable to this project that will be filed in the Orange County Clerk's Office (e.g., Agricultural Overlay District, Indiana Bat time of year clearing note, etc.).

Mr. Astorino: It is not a shared driveway. It is a single access off a County Road.

Mr. Bollenbach: There would still be a Declaration.

Comment #15: Sheet C-2 & detail 3/C-4 show the requested information. It should be noted that the name of the plant is Juniperus Virginiana 'Emerald Sentinel' not Emerald Sentinel. The proposed vegetation must be adjusted because of the updated driveway location.

Scott Olson: Ok.

Comment #16: 164-83 (A1) Add a note to the plan: An annual RF Emissions report shall be submitted to the Town of Warwick Building Department. The annual report shall assess cumulative RFR. (Complete; Sheet T-1).

Scott Olson: Correct.

Comment #17: 164-83 (B) Add a note to the plan: An annual structural report shall be submitted to the Town of Warwick Building Department for the tower structure. (Complete; Sheet T-1).

Scott Olson: Could it be for more than 1-year?

Mr. Astorino: No. That is our Code. The annual structural report needs to be submitted on a yearly basis.

Scott Olson: Ok.

Comment #18: Add a note to the plan: An annual access maintenance contract shall be submitted to the Town of Warwick Building Department by May 1st of each calendar year. (Complete; Sheet T-1).

Scott Olson: Correct.

Comment #19: Sheet C-1A (and other associated drawings) contain the updated stormwater information and details. The stormwater management plan must be in compliance with §164-47.10

Scott Olson: We will comply.

Comment #20: Sheet C-3: the gravel drive detail title should be updated to paved drive detail.

Scott Olson: Yes. It will be paved in its entirety.

Comment #21: Sheet C-4, the gravel surfacing treatment detail should be removed from the plan because there are no surfaces proposed to be gravel. Also, Sheet C-5 should be updated to show only the paved driveway access, which shows a foundation course of 8" of NYSDOT Item 304.02 and a wearing course of 2" of asphalt.

Scott Olson: Yes.

Comment #22: Since access has been granted from OCDPW from Liberty Corners Road, the driveway is proposed to be paved and not to be shared. The maintenance of the driveway will be the responsibility of the tower owner.

Scott Olson: Correct.

Comment #23: A cost estimate for a three-year landscape bond must be submitted for review and acceptance. A three-year cash landscape bond must be provided.

Scott Olson: Ok.

Comment #24: A cost estimate for the Performance Bond must be submitted for review and acceptance.

Scott Olson: Correct.

Comment #25: Certification of iron pins at the corners.

Scott Olson: I thought we had discussed not to do.

Mr. Astorino: The Board could discuss that. We did discuss it at a Work Session. We could discuss that as we go forward.

Scott Olson: Ok.

Comment #26: Payment of all fees.

Scott Olson: Of course.

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

Ms. Little: Regarding the maintenance of the road, would that be fully maintained?

Scott Olson: Yes.

Mr. Bollenbach: That would be maintenance of the driveway. That will be done 24/7/365. There would be a gated access.

Scott Olson: Yes.

Mr. Bollenbach: There will also be additional safety signs in place.

Ms. Little: Perfect. In regards to the technology of this. Would there ever be any 5G on this tower?

Scott Olson: There is nothing proposed right now. 5G is just barely starting.

Ms. Little: The frequency of visits up to the tower by maintenance and different co-locators. Do you have other co-locators lined up at this point and time?

Scott Olson: Verizon Wireless will definitely be there as soon as we get approval. Not too long ago AT&T and T-Mobile expressed an interest. We don't know now since this process has taken longer than we anticipated. I am not sure if that is in their budget or not for next year. They definitely had interest. In terms of the frequency of visits, I could tell how often it would be with Verizon. It would be 1 to 3 times a year or as needed for emergency purposes such as if a tree falls down and hits the equipment. On a normal basis, the visits are between 1 to 3 times a year.

Ms. Little: Regarding Comment #15 the Landscaping of the Emerald Sentinel where is that proposed?

Laura Barca: It is proposed along the driveway coming up.

Ms. Little: Is that on the right-hand side so that it would screen the closest neighbor?

Laura Barca: Yes. It is between the cell tower cabinets, tower and the residents on Ruskiewicz Lane.

Ms. Little: What about screening the driveway between the closest neighbor? If you go up the driveway close to the road, there is a house located right there.

Mr. Astorino: Do you mean the existing driveway or the new driveway?

Ms. Little: The new driveway.

Mr. Astorino: Do you want us to add more screening right there?

Scott Olson: What do you want screened? Do you want it screened by the driveway?

Mr. Astorino: We will be opening this up to the public. We will get some comments from the public. If it is something that needs to be added, it could be added.

Ms. Little: Now that you do have approval from the County and it needs to be paved, Laura I want to make sure that any pitch of the driveway and any water runoff is not going to affect anything.

Laura Barca: That is why the stormwater comment is still open. That won't close out for that reason.

Ms. Little: Ok. Thank you.

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

Kim Gurda: I want to review the plans before I have questions. Can everyone else come up and review the plans?

Mr. Astorino: Yes.

All the neighbors come up in front of the Board to review the View Verizon Wireless plans.

Kim Gurda: I have two concerns. One of the concerns is that people do 40 to 50 M.P.H. there. They are not going to see that road. That is an accident waiting to happen.

Mr. Astorino: What road?

Kim Gurda: The access road.

Mr. Astorino: The OCDPW that is their call as to where they put their access. We had to go to them. We have no authority over a County Road. They approved that location.

Kim Gurda: They approve that location even though it is an accident waiting to happen?

Mr. McConnell: I don't understand. Why is it an accident waiting to happen?

Kim Gurda: You can't visualize it. This turn is bad. This is going to make it worse.

Mr. McConnell: They had said that they are anticipating 1 to 3 visits per year into this access road.

Kim Gurda: Ok. Are we only going to have 3 accidents per year?

Mr. McConnell: The County had said the access road is ok.

Mr. Astorino: We have to go by what the County says. It is their jurisdiction. It is not our jurisdiction. It is their road. They sent us an approval letter for that location. This Board cannot override the County. It is something that we cannot change. The County gave us an approval letter.

Kim Gurda: Ok. My second concern is that when they were going to put the cell tower by the firehouse, everyone was concerned about property value. I have the same concern with property value.

Mr. Astorino: The only thing I could say about the property value is that since the 89' Code, if not before, is that this area had been zoned for it. This Board follows the Town of Warwick Zoning Code. We do not write the Code. We follow the Code.

Kim Gurda: So, is it ok that my property value goes down?

Mr. Astorino: This Board cannot change the Code. The Code allows them to do this. This application came before us. We researched the Code. They did not have to go to the ZBA for any variances. The Town Code allows them to do this. The 120' tower they want to put up is allowed in the Town Code. It fits in this zone.

Kim Gurda: How can we change that?

Mr. Bollenbach: That would be a Town Board issue.

Mr. Astorino: If you want to change the Code, you would have to go to the Town Board. They would have to do a Zoning revision. This application that is before us has to follow the Town Code. It is permitted in this zone for a 120' cell tower. We just don't let them do what they want. They have to follow the Town Code.

Kim Gurda: It does not matter that it affects our property value. Is that correct?

Mr. Astorino: What I am saying is that the Town of Warwick has a Town Code. It allows for subdivisions, businesses and cell towers. Some people might say a subdivision going in next to their property could lower their property values, but it is allowed?

Kim Gurda: What are my options?

Mr. Astorino: You would have to go to the Town Board. We cannot arbitrarily change the Code. We follow the Town Code.

Kim Gurda: How long does that take?

Mr. Astorino: If the Town Board would even entertain it, I don't know. I can't answer that. I can't answer for the Town Board.

Kim Gurda: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the View Verizon Wireless application?

Ed Minneker: I live at 51 Liberty Corners Road. I live across the road from the site. The 1st question, is the location of the tower the same exact place as it was in January?

Mr. Astorino: Yes.

Ed Minneker: My wife and I have 2 major objections to this. One issue is the helicopter flight path. In a few minutes, I will address property values. What I have from the FAA is called the Obstacle Obstruction Notice. It has to be filed by the FAA by anyone seriously constructing something into the airspace. This Company filed it. I have a copy of it. The first section of it is the instructions that the FAA give to everybody. They mention in it about wire, radio frequency, everything but about the helicopters flying nearby periodically within about 50 to 60 feet of this proposed tower. The title of the document is Notice of Proposed Construction or Alterations. In the description, it talks about the construction of a new 120' Monopole (125 feet with the tower located within 60x60-foot compound). It says nothing about a helicopter flying by periodically within 50 to 60 feet of the tower. I have mentioned that to this Board before. So far, I feel as if has fallen on deaf ears. Just yesterday at 12:15pm, I was outside. That helicopter was flying around. It flew right over Ruskiewicz's trees. Then it flies over the south side of my house.

Mr. Astorino: This Board had met out at the property site back in January. I and our Engineer did contact the FAA. It did not fall on deaf ears. I spoke personally to the Engineer of the FAA about the same situation. Laura, I believe we have documentation from the FAA. Is that correct?

Laura Barca: Yes. It was February 11, 2019 when we had a conference call with the FAA.

Mr. Astorino: Your points were taken. It did not fall on deaf ears. This Board does not let anything slide.

Ed Minneker: The point I was to make is that this company filed this documentation.

Mr. Astorino: We know about that.

Ed Minneker: I will give the FAA a little slack. Maybe they didn't know about the helicopter flying close by. They did not put it in this. Therefore, the FAA reviewed and approved this application without complete information.

Mr. Astorino: The documentation that I received came from myself and the Town Engineer about that helicopter to them personally.

Mr. Minneker: Continues talking about his concerns to the Board about the helicopter flying over Ruszkiewicz's trees and close to his residence. He states that the blades of the helicopter come close to about 50 to 60 feet of the proposed tower. The objection that Mr. Minneker has is that the FAA is refusing to listen to him. He wants to get someone's ear on this helicopter flying over the site. He wants someone to empathize to him and his wife on this matter. He continues to address his concerns of the helicopter flying over the cell tower site and crashing into the tower. He suggest that this application of this proposed cell tower goes back to the ZBA and moved back onto 39 Transport Lane. If the proposed cell tower goes back to 39 Transport Lane, Mr. Minneker stated that it would remove the aviation hazard, which does not now exists. He states that if the Board does not send them back to the ZBA and the Planning Board allows this to happen that Mr. Minneker and his wife could never live at their residence comfortably again even though the helicopters fly over approximately 4 times a year. Mr. Minneker wants this proposed cell tower to go back to the ZBA and to the 39 Transport Lane site where it is an industrial site. He wants it moved. He goes on to state that we should follow the Zoning and it should not be all about money and income and that he is a taxpayer to the Town. He goes on reiterating that the Zoning allows this Board to send it to an Industrial Zone. If the Board allows a cell tower on Ruszkiewicz Lane, he won't be done with it. Mr. Minneker asks the Planning Board tonight to put this tower back to Transport Lane where it belongs. He states that as a private citizen, please don't stick us. Everyone in the community does not like cell towers and it affects people's property values.

Mr. Astorino: Is there anyone else wishing to address the View Verizon Wireless application?

David DeSantis: I live at 812 County Route 1. I moved in 3 months ago. If I knew this was going in, I would have never purchased my property. I have 2 young children. I know those towers send off radiation. This cell tower will bring down my property value. I have my little kids at home that I am concerned about and their health. This Board is not following the Code on this matter.

Mr. Astorino: This location, this area, if you pull the Code since 1989, it was revised in 2002 and 2008. It hasn't been taken out of the Code. For you arbitrarily to say that this Board does not follow the Code, is wrong. We cannot do that. We have to follow the Code. We can't change the Code.

David DeSantis: I did not know that they would be that close.

Mr. Astorino: Ok. That is noted.

David DeSantis: The thing is that property values go down. That hurts us. It doesn't hurt the cell tower people. They are making a fortune. My cell phone works. It is perfect. Over at Price Chopper they have a big cell tower there. I don't know why they need another cell tower out here. Why can't they shove one somewhere else that would be away from people? I am looking out for my little ones. I am a taxpayer.

Mr. Astorino: I know that. We all are. Thank you. Is there anyone else wishing to address the View Verizon Wireless application?

Danielle Williams-Bell: I know you had said that the OCDPW were the ones that decided about the road. There were a lot of issues there that happened already. There was a screaming match between cars last week. You said that this road would not be allowed to be accessed by any other private citizens?

Mr. Astorino: Correct.

Danielle Williams-Bell: There will be a gate. We don't have to worry about cars trying to pull up or down. Is that correct?

Mr. Astorino: Correct.

Danielle Williams-Bell: Verizon is responsible for snow removal. What is the plan for how the snow would be removed? We are the property directly next to it. I want to be sure that the snow would not be pushed into our yard.

Mr. Astorino: The snow will not be pushed onto your property. They have to provide us with a plan for snow removal. Just like with any other property, you cannot push snow onto someone else's property.

Danielle Williams-Bell: My thing is that it does happen currently with the dirt road next to us. That snow ends up in our driveway.

Mr. Astorino: A Maintenance Plan will be provided. It has to be provided and up dated every year.

Danielle Williams-Bell: Ok.

Ms. Little: Laura, would you be reviewing that?

Laura Barca: Yes.

Mr. Bollenbach: Yes. We will also be reviewing the additional screening as well.

Danielle Williams-Bell: The last thing that I have is regarding the camouflaging. I know that they had done the balloon test. Everybody had seen what it would look like far away. Nobody had looked at it as to what it would look like from our property. I have concerns about camouflaging and screening of the tower.

Mr. McConnell: When the balloon test was done, there were public notices about that. If that was something you really were concerned about, that was the day that you should have gone out in your yard and looked at it.

Danielle Williams-Bell: We did look at it. At a previous meeting, the Board had stated that once the balloon test was done and when there is a public hearing, if we had any questions about camouflaging we could ask. We are asking for camouflaging and additional screening of the 60'x60' compound. We don't want to see the compound. I don't want my kids to see it. If this is approved, what is the timeframe on how long the construction will start? What are the normal hours for the construction of this tower?

Mr. Astorino: They would have to follow the Code as to what the hours are. As far as this being approved, they would still have to meet these conditions of the approval. They cannot start construction without obtaining a Building Permit first. Everything that they provide to us would have to be reviewed. The Declarations would have to be reviewed by our Attorney. The plantings would have to be reviewed by our Planner. The engineering stuff would be reviewed by our Engineer. Once all of the conditions have been met and signed off, then I have to sign the site plan. The site plan gets filed with the Town Clerk's office. Then they obtain a Building Permit through the Building Department. They will have to follow the Code regarding the hours of operation for construction.

Ms. Little: They can only cut trees between November and March. You can't cut trees when the bats are habituating in the trees.

Danielle Williams-Bell: Ok. What is the projected timeline of this once it is approved?

Scott Olson: It could take 2 to 3 months to build the tower and compound.

Danielle Williams-Bell: Does that include the construction of the road?

Mr. Astorino: Yes. They have to build the road in order to get up to the tower.

Danielle Williams-Bell: Does the 2 to 3 months also include the roadway?

Scott Olson: Yes.

Danielle Williams-Bell: Thank you.

Mr. Astorino: Is there anyone else wishing to address the View-Verizon Wireless application?

Mr. Bollenbach: Regarding Comment #11, add to that comment to provide additional screening to the Town Planner's specifications.

Leonard DeBuck: I live at 120 DeBuck's Drive. I find it hard to only see the plan now. But that is how the Planning process goes. You had a chance to look at it. You had a chance to scrutinize it. That is why you have come up with the notes on it. I do appreciate your homework on it. I have a couple of concerns. The question that was raised was, would 5G ever be proposed on this tower? The response received was that it is not proposed at this time. My response to you is for you to get a better response like no it won't. I am not an expert. You had hired an expert.

Mr. Astorino: We could have our expert speak about that.

Leonard DeBuck: I looked into this when the tower was proposed on Transport Lane. I researched some of the 5G stuff. They have it all over the City of Los Angeles. I don't live in LA. I live in Pine Island, NY. I was told that they place 5G on telephone poles.

Mr. Astorino: In this Town, it is not allowed on telephone poles.

Leonard DeBuck: Could you get the response that we are looking for stating no it won't be?

Ms. Little: I believe the FCC would completely overrule us on that. Mr. Musso might be able to answer that.

Mike Musso: 5G is going to be an FCC licensed band that Verizon, AT&T and others are allowed to use. This is mandated by the FCC for better for worse. Originally, 20 years ago when they were doing this when cell phones were that big, there was a cellular band at age 50 and a PCS band at 1900. In the last few years the cellular carriers are now in the MHz band. There are 4 frequencies that they operate at. Regarding the 5G, I can't say it and the Board can't say what exactly it would look like and when in Orange County specifically in Warwick or Pine Island. 5G is associated with connected vehicles. Believe it or not like automatous vehicles in places like Phoenix and LA. 5G has been rolled out. It has not been rolled out in NYS yet. 5G is not proposed or allowed here in this area. That is not going to happen here in Warwick, NY. I just want to say to the public that if you go on Google and google 5G, it would scare you to death. If you go to the NY Times and search the July 16th article on 5G, that would give the public a better understanding about 5G.

Leonard DeBuck: Ok. I have a few more things. I am assuming that you had already asked the Applicant and their Engineers to do their due diligence to see if they could not in deed be collocated on other existing towers. Was that before or after the tower that is off Pulaski Highway not far from where the Quaker Creek store was constructed?

Mr. Astorino: They have been in front of us only since January. That would be after. Is that correct?

Leonard DeBuck: I only ask that because I could see that tower from the farm that is on the other side of the hill all the way down Pulaski Highway. One of the guys in the Quaker Creek store was down in the basement. He has AT&T and he had full reception. The other guy in the same spot has Verizon and had no reception. I am assuming that is an AT&T Tower with no one collocating under it.

Mr. Astorino: That tower I believe is in Goshen. Is that correct?

Leonard DeBuck: I think it is in Goshen. I am not sure.

Mr. Astorino: That tower you are talking about is in the Town of Goshen. It did not come before the Town of Warwick.

Leonard DeBuck: Ok. Does that exempt them from looking at that?

Mr. Astorino: No. But, I am saying we did not see that tower in Goshen. That tower is not in Warwick. It did not come before us. We don't know how many col-locaters are on it.

Leonard DeBuck: Ok. The tower that is located at Price Chopper in Warwick, I believe has AT&T is on the top of it. I think somewhere down a little ways they have Verizon on it. Regarding the tower in Goshen, did they do that on that tower?

Mr. Astorino: That tower is in Goshen.

Leonard DeBuck: That tower in Goshen is way more visible on the map than this tower is. My question is this. I am not saying because of the helicopters. I am talking about the guy that I hired that does the crop dusting on the corn next to this. Is 120-foot tower really necessary? We should protect the neighborhood. We should allow for mutual aid for communications for our Fire Department, Ambulance and Police. I don't know if that is going to be allowed.

Mr. Astorino: It is allowed.

Leonard DeBuck: Ok. I find that to be a positive thing. But, I don't think a 120-foot tower where this is being proposed has to be a must.

Mr. Astorino: The applicant proved that to us. Mike Musso had reviewed that for us. Mike, is that correct?

Mike Musso: Yes. HDR had reviewed that.

Ms. Little: We specifically asked questions very early on about that height, if it could be shortened. All of these questions that you have raised, we have asked every single one of them.

Leonard DeBuck: Ok. I am not sitting in your chair. I feel a roughly 80-foot tower would do an appropriate job. You will have Engineers saying that no they have studied it and it would need to be 120-feet high.

Mr. Astorino: Leonard that is why we have Professionals. When they provide us the information, we do not take what they provide us and say that is a fact.

Mr. Bollenbach: It is permitted in the Code.

Mr. Astorino: I understand that it is permitted in the Code. But we still do not take that as fact. If our Engineers came back to us and said an 80-foot tower would work, then this Board would say put up an 80-foot tower. You know how this Planning Board functions. Whatever they provide us, it is not Gospel. It is reviewed extensively. It is not by Verizon. It is this Planning Board that asks pertinent questions. Just like Ms. Little had said that the question was asked. We got an answer.

Leonard DeBuck: I will accept the answer except for this point. Maybe it needed to be 120' high if they don't collocate at the other spot. It could be smaller if they did collate under the AT&T Tower that is located on Pulaski Highway. They are covering the same area. We could see it. That is what a balloon test is for. Get on that one. I just want to know if that could be a possibility.

Mr. Astorino: It has been looked at.

Leonard DeBuck: Ok. The only other thing is the sight distance. Mrs. Gurda had made a good point. I farm along that road. The cars go 55 MPH. The motorcycles go 80 MPH. The trucks go 70-MPH. They don't slow down. People do speed. There is a sight distance issue.

Mr. Astorino: They have to comply with OCDPW approval. As I had pointed out before, we can't control that intersection. That is the County's jurisdiction. It is not a Town Road. Is there anyone else wishing to address the View-Verizon Wireless application?

Trevor Bourne: I am one of the neighbors directly impacted by this cell tower. The process started where this proposed cell tower was original to be at the Fire Department. Mr. Ruskiewicz was totally against that proposal from discussions that I had with him. Now, he wants a cell tower on his property. Why didn't the Board establish some kind of law where these sites are not permitted?

Mr. Astorino: I will stop you right there. I had said this before. This Board does not write the Town of Warwick Zoning Code.

Trevor Bourne: The Zoning Board of Appeals works hand and hand with the Town.

Mr. Astorino: We are not The Zoning Board of Appeals.

Trevor Bourne: Whatever it is, you are connected to the interest of the people in Warwick. You are also connected to all the other Boards. We represent each other. You represent the Contingents of this community. That is your primary objective to protect their interests. Isn't that right?

Mr. Astorino: We are here for a public hearing. I want to correct you on that. As I had said numerous times, the Town of Warwick Planning Board cannot arbitrarily change the Town of Warwick Zoning Code.

Trevor Bourne: What are we going to do here? Are we going to open up a can of worms where every person that has 7 acres of land for access to these individuals to come and offer money and to benefit from it? We don't need this tower in a residential Town. How is this going to affect our community?

Mr. Astorino: I got your point. If the Zoning needs to be changed that is fine. But you are at the wrong Board for that.

Trevor Bourne: I am confused. Regarding this panel right here. What representation are you giving me?

Mr. Astorino: I am following the Town of Warwick Zoning Code. I am following the process that goes with that. We can't change the Code. If you want to petition the Town Board and open up the Comprehensive Plan, you could do that. This Board does not do that.

Ms. Little: We can mitigate damages if an application comes before us, we look at the entire process. We look at environmental noise and traffic. If we feel there are hazards, we find a way to mitigate those hazards to the best of our ability that exists within the law and the Code.

Trevor Bourne: Ok. That is what I am asking.

Ms. Little: That is why we spend hours going over all of the plans and asking all of the questions. The Best we can do is try to mitigate any hazards.

Trevor Bourne: We need to connect this to our future. This is a health issue and property value issue. All I ask is reconsideration here as a community. The significant thing here to me is that I have lost a neighbor as a friend. It affects my ability to set my family up in the future. Mr. Ruszkiewicz has all the right to set his family up with \$10,000.00 or whatever he is going to get with this site. Is it possible if this Town could put a moratorium on cell towers?

Mr. Astorino: That is not our call. You are addressing the wrong Board.

Trevor Bourne: I understand. I am trying to be clear. I am not an expert.

Mr. Astorino: I know. I am just letting you know that this Board cannot do a moratorium or change the Code.

Trevor Bourne: Could we collectively say that this process needs more time to be really looked at and how it impacts our community? This tower should go back to the Transport Lane site. That would be a perfect place for the cell tower. Ruskiewicz Lane is not a good place for tower. Take our considerations. Return this to the Zoning Board of Appeals. Have a second look. Have an impact study to see how this would really affect our community. What precedent does this set for the next landowner in a residential neighborhood? All I ask is that you take this project back to The Zoning Board of Appeals. Take a longer look at this matter. We are not against the cell tower. We are against the location of it. Thank you.

Mr. Astorino: Is there anyone else wishing to address the View Verizon Wireless application?

Greg Dellavecchia: I live at 16 Liberty Corners Road. Trevor mentioned when this originally started at the Firehouse. He mentioned that Mr. Ruskiewicz was against that. I sat next to him at that meeting. At that meeting they said having the cell tower at the Firehouse would not work. It is the same reason now. Most of my neighbors here in this room are looking at the same option. The Firehouse site wasn't a good site back then.

Mr. Astorino: The Firehouse was not zoned for a cell tower. That was the issue from the start.

Greg Dellavecchia: I have 2 questions. The 1st question is, what is the best effective way to address the Town Board?

Mr. Astorino: You would need to go talk to the Town Supervisor's Secretary. John, correct me if I am wrong. In this instance, would they have to do a Comprehensive Plan change before they do the Zoning change?

Mr. Bollenbach: They should discuss it with the Town Supervisor to see if they could convince the Town Board or if they would have to file a petition for a Zoning change. That would be done through the Supervisor's office.

Greg Dellavecchia: Ok. The 2nd question is that if this moves forward, is there anything on this plan to give back to the community to assist with some other beautification in the area? Property value is also my concern.

Mr. Astorino: We cannot impose impact fees. NYS Law doesn't allow us to do that. What we can do as Ms. Little pointed out as far as screening would not be a problem for us to do. We could do mitigation that way.

Mr. Bollenbach: The other community benefits that the Applicant has offered is having the Emergency Services on the tower. That is a community benefit.

Greg Dellavecchia: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the View Verizon Wireless application?

Anthony Delprete: Regarding the 4G and 5G, is that being proposed?

Mr. Astorino: No.

Anthony Delprete: The cell tower that they are proposing now, would it be 3G or 4G?

Mike Musso: It really would be a combination of the two.

Anthony Delprete: Would it be 3G or 4G?

Mike Musso: Mike Crosby who is our Engineer that would be the case with older sites. This is a new tower. It will be linking up with the Tower Lane site which is about 9 miles away in Warwick and with another tower site in Minisink from this proposed tower. That is part of the need for the site.

Anthony Delprete: Could we agree that 3G is an outdated technology?

Mike Musso: Yes.

Anthony Delprete: Could the 4G be on the way out and the 5G is coming in?

Scott Olson: The 5G standard is currently being tested. We don't know anything about that.

Mr. Bollenbach: That would be a new application to the Planning Board. The 5G is not part of this application currently before the Planning Board.

There is discussion between Mr. Delprete and Mr. Olson regarding the 4G and 5G Matter. The 5G standard is currently being developed. Mr. Olson goes on to explain the 5G standard process is currently being developed and tested in a small buff in larger market areas in smaller communities. Mr. Olson goes onto explain that the standards for that are not known as of now. Nobody knows the standards of 5G. The Engineers of it don't understand it fully. To say that the 5G is going to be on this tower, Mr. Olson does not feel comfortable to agree with that. Mr. Astorino states that if that was ever to happen, it would have to be a new application before the Planning Board. We cannot predict the future. Mr. McConnell explains to Mr. Delprete that it is also possible that 5G may never roll out in a rural area. It may only be applicable to urban areas. Mr. McConnell states to Mr. Delprete to sit here and try to force somebody to say that it would eventually be 5G is disingenuous on Mr. Delprete's part. It is argumentive and it does not provide any further information for this Board about the concerns of the community. Mr. McConnell asks Mr. Delprete what are his concerns about the 5G? Mr. Delprete states that his concerns are Health concerns that could affect

the community. Mr. Delprete asks again if the cell tower could eventually be 5G. Mr. Musso explains that we don't know if it could push 5G, 6G, or 7G. Those would be license frequencies. We don't know. If anything was to happen like that, it would be a new application made to the Planning Board.

Anthony Delprete: I have another question. It is a 120-foot cell tower. Is that correct?

Mr. Astorino: Yes.

Anthony Delprete: Is it possible in the future that there could be an extension added to the tower?

Mr. Astorino: No. The 120-foot cell tower is the maximum height in the Town Code.

Anthony Delprete: Ok. Would it create any jobs in the area?

Mr. Astorino: I would doubt that. I would assume that Verizon has their own crew to build the tower. The only local contractor that Verizon might hire is a local contractor to put the road in.

Anthony Delprete: Ok.

Ms. Little: And possible maintenance of the tower for snow plowing and things like that.

Anthony Delprete: Ok. Regarding the revisions to zoning, we would have to file a petition. Who would we file that petition to?

Mr. Astorino: You would have to go to the Town Board.

Anthony Delprete: If we got 100 people to petition to the Town Board, would it be possible to get this proposal postponed until we received a decision from the Town Board?

Mr. Astorino: No.

Anthony Delprete: Does the Town of Warwick make any monetary value from this?

Mr. Astorino: No.

Anthony Delprete: So the Town of Warwick does not make any monetary value from this and not creating any jobs, what value does this create for Pine Island besides a couple of cell phone bars?

Mr. Astorino: It will provide better cell phone reception. Also, if an EMS wanted to go on the tower they would be able to free of charge, which would be Fire, Ambulance and Police.

Anthony Delprete: What does that mean?

Mr. Astorino: They would have transmitters on the tower. Is there anyone else wishing to address the View Verizon Wireless application?

Sandra Hall: I live on 21 Feagles Road. I have 2 points. The first point is about a helicopter buzzing about 25 feet above my house with no regards to where he was. It was like he was joy riding over my house. It scared my dogs. This had happened several times over several weeks in the last month and half. My house was shaking. It is unacceptable. I have been living in my house for 19 years. That has never happened to me before. It is unacceptable. I don't want that to ever happen again.

Laura Barca: Mr. Chairman, that was not the helicopter associated with checking the pipeline. That was a helicopter associated with a different property providing rides in a helicopter.

Mr. Astorino: I have heard about that.

Sandra Hall: Either way, they need to make sure they stay in their own zone or their own area.

Laura Barca: They were spoken to.

Sandra Hall: Ok. I am only 2 miles from this site.

Ms. Little: That has nothing to do with this Applicant.

Sandra Hall: I do appreciate the fact that you let us open up to public comment. How much does our opinions weigh as value? You have stated numerous times about this meeting Code and standards.

Mr. Astorino: If there is something from the public that we feel we could help with, we will help. It's the same process as a subdivision goes. If the Applicant does everything and everything is addressed and in order with the Code and if the public comes up asking about mitigation such as screening or driveway location, etc... We can't change the Code, but we can help with mitigation of concerns.

Sandra Hall: Essentially this project will move forward if there are no breaks of the Code. Our opinions, feelings and our lack of want for this particular item it does not benefit our community.

Mr. Astorino: If the community at large not just the members in this room but the Town of Warwick that does not want cell towers in the SL zone, the community has to get together and change the Comprehensive Plan in the Town of Warwick Zoning Code. That is why we have elected officials. This Board cannot change that zone.

Sandra Hall: This is a bad idea to have this in this zone. I thank you for listening but my opinion does not really matter.

Mr. Astorino: Is there anyone else wishing to address the View Verizon Wireless application?

Thomas Cassidy: Besides the 12-story tower, they call it a 360-foot compound.

Mr. Astorino: It is 60-foot compound.

Thomas Cassidy: It will have cables and equipment. How much power will it need to power this equipment? How much of a drain would it have on our local power grid?

Mr. Astorino: I spoke to O&R Utilities. They are perfectly capable to handle any power needs this tower has.

Thomas Cassidy: Around there anytime there is a thunderstorm the power goes out.

Mr. Astorino: We understand that.

Thomas Cassidy: If we go out, they are going to have their gas generators blown away.

Mr. Astorino: Their generator has to meet the criteria of the Town Code as far as noise ordinance, emissions, etc...

Thomas Cassidy: It is still going to be running. I don't care if it is following Town Code. It is still going to be running. It will be a burden to the community.

Mr. Astorino: We have to care that this project follows the Town Code.

Thomas Cassidy: It will still be a burden on the community no matter how you look at it. There is nothing positive here. It is all negative.

Mr. McConnell: What is positive about it is that people who live in the area who has spotty reception with their phones.

Thomas Cassidy: I don't know anybody who does.

Mr. McConnell: I do.

Thomas Cassidy: You know people in Pine Island?

Mr. McConnell: Yes. There are dead zones in Pine Island.

Thomas Cassidy: Is there a fence around the compound?

Laura Barca: Yes. They are required emergency numbers to be posted.

Mr. Astorino: It will be a chained-link fence with a lock on it.

Ms. Little: There will be a knock box on it for emergency access.

Thomas Cassidy: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the View Verizon Wireless application?

Jerry Zimmerman: I live in Pine Island. The problem here is we are divided. We have residents on this side of the line who are the victims. We have the people behind the counter here who are required to enforce Town Law. In no way does it change the fact that the public is forever victimized by government. We all have to keep in mind, which has nothing to do with you that after 911 government told people that working on the pile was safe. Verizon is looking at us with straight face telling us that the standards it developed in 1996 has something to do with the cell phones that you have in your pockets now. They don't. But the law says that is the standard because the law is in the pockets of that gentlemen. They control this entire affair. What are the victims here to do when you have this kind of proposal? The answer has to be that the residents in Warwick need to make sure that the gentlemen from Verizon shares the pain. People in the audience need to have the courage to get rid of Verizon and go with some other carrier.

Mr. Astorino: Is there anyone else that has not spoken?

Greg DeBuck: I was born and raised in Pine Island. I love Pine Island. I run a business in Pine Island. How long is the lease for?

Mr. Bollenbach: Approval renewal through the Town is every 5 years.

Greg DeBuck: Is there a limit for the lease?

Mr. Bollenbach: No. That is a personal matter. The Town has no limit on the duration of that lease.

Greg DeBuck: Has Verizon provided you with any term of this lease?

Scott Olson: That is not a Verizon lease. It is View Wireless sub-lease that they have with the property owner, Ruskiewicz. I don't know the specifics of it.

Mr. Astorino: There is a View Wireless lease with Ruskiewicz. They have to come to the Town every 5 years for renewal of the Special Use Permit.

Greg DeBuck: Ok. When this becomes a structure that is no longer in use, is there an end?

Mr. Astorino: There will be a Decommissioning Plan.

Greg DeBuck: What is that?

Mr. Bollenbach: It is for removal.

Greg DeBuck: Who funds that?

Mr. Bollenbach: The Applicant.

Greg DeBuck: Is that bonded?

Mike Musso: That is in the Town Code.

Greg DeBuck: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the View Wireless Verizon application?

Patricia McMillian: What is the legal relationship with Verizon and View Wireless?

Scott Olson: It is landowner/tenant relationship.

Patricia McMillian: It is not an ownership.

Scott Olson: No. View Wireless has a lease with the property owner. Verizon Wireless is leasing space on the tower and a small portion of the compound.

Patricia McMillian: Thank you. The prior application that was on Transport Lane, I thought I had read that there were monies that would go to the firehouse or to the Town.

Mr. Astorino: No. Just the emergency services wish to be on the tower.

Patricia McMillian: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the View Wireless Verizon application?

Charlie Williams-Bell: I live at 26 Liberty Corners Road. What happens if the residential site is sold?

Mr. Astorino: They would have to follow the lease that is with the property.

Charlie Williams-Bell: How far off the 26 Liberty Corners property line the edge of the road would begin?

Laura Barca: Do you mean where the driveway is?

Charlie Williams-Bell: Yes. What is the measurement of that? What is the assumed method of constructing this road? There is a lot of rock back there. Is there going to be blasting?

Mr. Astorino: There would be no blasting. If there is that much rock, it would be done by a hammer. They would have to abide by the Town Code for the hours of operation.

Charlie Williams-Bell: Ok. What does the equipment for all of that do in the off hours? Is it in an enclosure?

Mr. Astorino: Yes. It is all in an enclosure.

Charlie Williams-Bell: Ok.

Laura Barca: It is about 20 feet away from the edge of Liberty Corners Road property line.

Charlie Williams-Bell: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the View Wireless Verizon application?

Leonard DeBuck: Sandra Hall spoke about the helicopter. I was outside working. The helicopter that was flying over was not a recreational helicopter. It looked like the Governor's helicopter.

Mr. Astorino: Leonard, I wouldn't be so sure about that.

Leonard DeBuck: Ok. With that being said, this 30" pipeline it is common practice for the Millennium Pipeline if they see an excavator out there working near the pipeline, they are not going to go out there in a taxi cab or ATV, and they would be on that pipeline in minutes notice with a helicopter. That is pretty common. They fly them for maintenance.

Mr. Astorino: Right. We have also notified Millennium.

Leonard DeBuck: I don't think it was a freaky thing that I had seen yesterday. I think it is common.

Mr. Astorino: It could be.

Leonard DeBuck: With that pipeline being that close to the tower, I think a precaution should be sent out.

Mr. Astorino: It has. They have been notified.

Laura Barca: How that process works is that you go to the FAA to the Obstruction Evaluation Team. This Applicant has done that. They have received a No Hazard Letter. Once the tower starts construction they have to call the FAA a second time having to talk to the obstacle data team follows the process through to completion. They add it to the data base. The second thing regarding the helicopter, I follow up on the helicopter question by calling the Millennium Pipeline. They had said that typically inspections of the pipeline are done approximately once to twice a year.

Leonard DeBuck: Ok. Is this tower built in a way that there are no guide wires? Or, are there guide wires?

Mr. Bollenbach: It is a monopole. There are no guide wires.

Leonard DeBuck: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the View Wireless Verizon application?

Trevor Bourne: I want the Engineer to explain the LTE Technology.

Mike Musso: That is for Long Term Evaluation. The 700 MHz is what Verizon is currently licensed at. They are mandated to roll out these frequencies. For better or worse that is Federal Law.

Trevor Bourne: Regarding the bond, do they pay for the full bond or a percentage?

Mr. Astorino: They pay for a full decommissioning bond.

Trevor Bourne: Would they also have insurance?

Mr. Astorino: Yes.

Trevor Bourne: As far as the Columbia Gas Pipeline, what if we have an accident and there is an explosion?

Mr. Astorino: They are aware of where the tower is located. It was taken into consideration. Is there anyone else?

Ed Minneker: Transport Lane is an Industrial zone. They may complain about it. They may not want it there just like us. I bought a house in a Residential zone. I expect this Planning Board to defend the zoning for the residents in Residential zones. This Board can deny this. We don't want to have this in a Residential zone. This cell tower ought to be denied. It ought to be sent back to an Industrial zone where it belongs.

Evelyn Hennigar: When I first moved to Pine Island, I fell in love with the beauty, safety and tranquility of it on Ruszkiewicz Lane. That feeling of safety and that spirit of tranquility will definitely be destroyed completely when I will be having a cell tower as a neighbor. Thank you.

Mr. Astorino: Is there anyone else wishing to address the View Wireless Verizon application?

Ed Minneker: The pipeline and the cell tower are two detrimental things to these properties along here. Each one is going to dent the value of our properties. This has to pass by a vote by this Board. This Board could deny it. Make them go back to Transport Lane. Send them away.

Mr. Astorino: Is there anyone else wishing to address the View Wireless Verizon application? Let the record show no further public comment. Do any Board members or Professionals have any comments or questions?

Mr. McConnell makes a motion for the Negative Declaration.

Seconded by Ms. Little. The following Resolution was carried 4-Ayes.

617.12(b)

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

Name of Action: View Wireless Telecommunications Facility – Pine Island

Whereas, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed 124 foot mono-pine wireless telecommunications tower, Town of Warwick, Orange County, New York, and

Whereas, there are other involved agencies pursuant to SEQR, including the Orange County Department of Public Works, and

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated December 12, 2018 and as revised on February 27, 2019 including attachments to the Part 3 EAF, 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.

617.7

**State Environmental Quality Review (SEQR)
Negative Declaration**

Notice of Determination of Non-Significance

Date of Adoption: _____

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Warwick Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: View Wireless Telecommunications Facility - Pine Island

SEQR Status: Type I
Unlisted

Conditioned Negative YES
 NO

Description of Action: The applicant has requested Site Plan and Special Use Permit approvals for a proposed 120 foot tall monopine wireless telecommunications facility (camouflaged tower) with a four foot high lightning rod at the top, 12 panel antennas on the tower, related equipment including cabinets and a diesel generator, cabling, and utility services within a 60’ by 60’ lease area on a 7.70 acre parcel of land. The tower site is proposed to be accessed directly from Orange County Highway 88 (Liberty Corners Road) via a new 12 foot wide paved driveway. The tower site will be unmanned and will therefore not require water and sewer services. The tower has been designed to accommodate the antennas and equipment of other FCC licensed carriers.

Location: 31 Ruskiewicz Lane (30 Liberty Corners Road), Town of Warwick,
Orange County, NY
Parcel SBL is 3-1-56.3

Reasons Supporting This Determination:

1. The Town of Warwick Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g).
2. After reviewing the extended Environmental Assessment Form (EAF) for the project including the correspondence and studies cited on the Part 3 EAF, the Planning Board has concluded that environmental effects of the proposed project will not exceed any of the Criteria for Determining Significance found in 6 NYCRR 617.7(c).
3. The proposed project includes the need to extend electric utilities to the site for the proposed project. The Planning Board finds that underground utility installation is warranted for its aesthetic benefits, to remain consistent with § 137-19(C) of the Town Code, and for its health and safety benefits.
4. Farming activities occur within the area of the proposed project. Map notes on the site plat give notice to future purchasers of the parcel that certain farming activities occur at odd hours of the day, create noise, odors and dust, result in spraying of crops with fertilizers and pesticides, and can create a potential danger to children and motor vehicles. The deed of the subject parcel will contain references to the map notes relative to the hazards and nuisances (noise, odors, hazardous chemical use, etc.) to which residents of such parcels willingly subject themselves to. Furthermore, an Agricultural Data Statement has been filed by the applicant, forwarded to all owners of farming operations within 500 feet of the site, and such Statement has been considered by the Planning Board.
5. The parcel is not located within the Town's Ridgeline Protection Overlay (RL-01) Zoning District. However, a Visual Resource Evaluation has been prepared to assess the significance of the proposed tower on aesthetic resources of significance in the Pine Island area. The Evaluation was performed, on March 8, 2019 by Tectonic Engineering, by floating a balloon to the height of the proposed tower and then photographing the visibility of the balloon from a variety of sites, approved by the Planning Board, within a three mile radius of the site. The Evaluation disclosed visibility of the site from numerous locations within the study area. Then, a photographic simulation was prepared showing what the tower would look like from each of the

selected vantage points. These points were then further refined so that they appeared as the proposed monopine in an updated and revised Visual Resource Evaluation dated April 8, 2019. The proposed monopine tower will be located within a wooded area and some existing screening is available to further soften the tower's size and scale. That size and scale is roughly equivalent with the mature height and breath of a White pine tree in the Northeast. In addition, the proposed tower meets the Town of Warwick's Dimensional Requirements as well as the Performance Standards and Design Standards in Sections 164-78 and 79 of the Zoning Law including both height and camouflage. A private driveway has been proposed directly off Liberty Corners Road, which required Orange County Department of Public Works approval. The proposed new driveway will likely reduce the area of disturbance necessary to provide access to the site. The original proposal would have paved Ruszkiewicz Lane and the entirety of an existing driveway from Ruszkiewicz Lane, including two foot gravel shoulders on the existing driveway and Ruszkiewicz Lane.

6. Letters have been sent to all relevant community service providers in the Town. No responses, expressing concerns, have been received by the Planning Board indicating that the action would create an impact on their service delivery.
7. The New York State Department of Environmental Conservation and the US Fish and Wildlife Service have both provided guidance on the potential for endangered and threatened species on the site. There are reports of the Indiana bat and Short-eared owl in the area, both State listed species. The applicant will avoid direct adverse impacts to the Indiana bat by limiting tree removal activities to the period from October 1 through March 31 of the year (time of year restrictions or TOY restriction) to avoid potential impacts on such species. The applicant will add a note to this effect on the proposed Site Plans. No impacts are expected to the Short-eared owl, based upon correspondence from the New York State Department of Environmental Conservation and the US Fish and Wildlife Service. No further mitigation is necessary.
8. The site is located within an area identified by the New York State Office of Parks Recreation and Historic Preservation (OPRHP) as sensitive for archaeological resources. Based upon correspondence between the applicant and OPRHP dated August 6, 2019, there are no State OPRHP concerns regarding historic or archaeological resources on the site.

For Further Information:

Contact Connie Sardo, Secretary
Person: Town of Warwick Planning Board
Address: 132 Kings Highway
 Warwick, NY 10990
 845.986.1127

Telephone:

A Copy of this Notice Filed With:

Town of Warwick Planning Board (Lead Agency)
 132 Kings Highway
 Warwick, NY 10990

NYS-DEC	(Notice	Only)
Environmental	Notice	Bulletin
625		Broadway
Albany,	NY	12233
Email: enb@gw.dec.state.ny.us		

Town Board of the Town of Warwick

Michael Sweeton, Supervisor

View Wireless Infrastructure Fund, LP

New York State Department of Environmental Conservation

Orange County Department of Public Works

Orange County Department of Planning

2019-09-18-31-Ruszkiewicz-negative-declaration.docx

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

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

Ms. Little makes a motion on the Raymond and Hanne Ruszkiewicz application, granting conditional Site Plan Approval and Special Use Permit for the construction and use of 120' Cell tower a/k/a **View Wireless Infrastructure, LLP** d/b/a **Verizon Wireless** with 60'x60' compound and related improvements, including antennas, cables and equipment, situated on tax parcel S 3 B 1 L 56.3; project located on the north side of Liberty Corners Road (31 Ruszkiewicz Lane) cell tower located at (30 Liberty Corners Rd) in the SL zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on September 18, 2019. Approval is granted subject to the following conditions:

1. Building Department: 12/26/18 open permit for fence (23975); permit needed for shed (04/05/12 title letter); Permits closed 03/25/19
2. OCDPW: 09/18/19 OCDPW approval letter to allow access from Liberty Corners Road
3. NYSDEC: regarding threatened and endangered species; 07/18/19 NYSDEC letter
4. USFWS: 12/19/18 US Fish and Wildlife response letter; no further comments, no anticipated measurable impacts

5. Provide Emergency Service Plan and post contact information at the site for emergency purposes.
6. §164-78.A Applicant to show/describe on drawings how this facility will be camouflaged. §164-79.A.(1)(a) or (b) The Board must determine if additional landscaping/ screening should be installed. A Landscape plan shall be submitted §164-80.C(8). Actual color samples for materials of construction should be provided (§164-80.C(7)). Applicant to show landscaping along Liberty Corners Road to Town Planner's specifications.
7. §164-79.A.(1) and (4) The color of the towers, cabinets, and associated accessory structures are required to be non-reflective; color samples must be submitted. The color scheme will be dependent on the monopole configuration (e.g., stealth tree or conventional monopole). A stealth tree configuration is included in the photosimulations and is under Planning Board review. Color samples must be submitted.
8. §164-79.C(3) Applicant to provide foundation design/report, see also §164-80.B(3). The final structural foundation design and report should be submitted as part of the final conditions of the Planning Board.
9. Declaration information (liber and page after filing in Orange County Clerk's Office) for the Agricultural Overlay District and driveway must be added to the plan. The project attorney will prepare a document including all notes applicable to this project that will be filed in the Orange County Clerk's Office (e.g., Agricultural Overlay District, Indiana Bat, Short Eared Owl time of year clearing note, etc.).
10. Sheet C-2 & detail 3/C-4 show the requested information. It should be noted that the name of the plant is *Juniperus virginiana* 'Emerald Sentinel' not Emerald Sentinel. The proposed vegetation must be adjusted because of the updated driveway location to Town Planner's specifications.
11. 164-83 (A1) Add a note to the plan: An annual RF Emissions report shall be submitted to the Town of Warwick Building Department. The annual report shall assess cumulative RFR. (Complete; Sheet T-1).
12. 164-83 (B) Add a note to the plan: An annual structural report shall be submitted to the Town of Warwick Building Department for the tower structure. (Complete; Sheet T-1).
13. Add a note to the plan: An annual access maintenance contract shall be submitted to the Town of Warwick Building Department by May 1st of each calendar year. (Complete; Sheet T-1).
14. Sheet C-1A (and other associated drawings) contain the updated stormwater information and details. The stormwater management plan must be in compliance with §164-47.10
15. Sheet C-3: the gravel drive detail title should be updated to paved drive detail.
16. Sheet C-4, the gravel surfacing treatment detail should be removed from the plan because there are no surfaces proposed to be gravel. Also, Sheet C-5 should be updated to show only the paved driveway access, which shows a foundation course of 8" of NYSDOT Item 304.02 and a wearing course of 2" of asphalt.
17. Since access has been granted from OCDPW from Liberty Corners Road, the driveway is proposed to be paved and not to be shared. The maintenance of the driveway will be the responsibility of the tower owner.
18. A cost estimate for a three-year landscape bond must be submitted for review and acceptance. A three-year cash landscape bond must be provided.
19. A cost estimate and Inspection Fees for the Performance and Decommissioning Bonds must be submitted for review and acceptance.
20. Certification of iron pins at the corners of the compound enclosure
21. Payment of all fees.

PUBLIC HEARING James and Cherryl Hayes

Application for Site Plan Approval for the renovations of an existing 3-bedroom dwelling, carport and to construct repairs to the onsite sewage disposal system located within “*A Designated Protection Area*” of Greenwood Lake, situated on tax parcel S 74 B 5 L 29; project located on the eastern side of Jersey Avenue 310 feet east of Furnace Trail (228 Jersey Ave.) in the SM zone, of the Town of Warwick, County of Orange, State of New York.

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

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

Mr. Astorino: Thank you.

The following comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – 06/17/19 advisory comment for stormwater management
6. TW Building Department – 05/23/19 no violations
7. The Building Department has the smaller home listed as a seasonal structure; if the owner would like to have this structure as a year-round residence compliance with the energy code is required. The Building will remain a seasonal structure.
8. OCDOH – pending acceptance of new septic system 08/23/19 OCDOH accepted two structures with 3 bedrooms each.
9. Applicant to clarify septic system pump usage if there is a power outage but the municipal water system remains functioning. A note shall be added to the plan.
10. The Town of Warwick standard notes must be added. The note: “All new utilities shall be constructed underground.” must be added to the plan.
11. The surveyor must sign and seal the plans.
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, Construction Note 3)
13. Surveyor to certify that iron rods have been set at all property corners.
14. Payment of all fees.

The following comment submitted by the Conservation Board:

James and Cherryl Hayes - None submitted.

The following comment submitted by the ARB:

James and Cherryl Hayes – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board has classified this as a Type 2 Action. There is no need for SEQRA review process on this application.

Mr. Astorino: Thank you.

Comment #2: Applicant to discuss project.

Dave Getz: The Applicant proposes to renovate a single-family dwelling that is located within ("A Designated Protection Area) of Greenwood Lake. They needed OC Health Department approval and they received.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 06/17/19 advisory comment for stormwater management

Mr. Astorino: Laura, we have addressed that. Is that correct?

Laura Barca: Yes.

Comment #6: TW Building Department – 05/23/19 no violations

Comment #7: The Building Department has the smaller home listed as a seasonal structure; if the owner would like to have this structure as a year-round residence compliance with the energy code is required. The Building will remain a seasonal structure.

Dave Getz: Yes.

Comment #8: OCDOH – pending acceptance of new septic system 08/23/19 OCDOH accepted two structures with 3 bedrooms each.

Dave Getz: Yes.

Comment #9: Applicant to clarify septic system pump usage if there is a power outage but the municipal water system remains functioning. A note shall be added to the plan.

Dave Getz: They have a generator. We will make sure it handles the load. We will address that.

Comment #10: The Town of Warwick standard notes must be added. The note: "All new utilities shall be constructed underground." must be added to the plan.

Dave Getz: Ok.

Comment #11: The surveyor must sign and seal the plans.

Dave Getz: Ok.

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, Construction Note 3)

Dave Getz: We have that.

Comment #13: Surveyor to certify that iron rods have been set at all property corners.

Dave Getz: John McGloin has done that.

Comment #14: Payment of all fees.

Dave Getz: Ok.

Mr. Astorino: Do any Board members or Professionals have any comments? This is a public hearing. If there is anyone in the audience wishing to address the Hayes Site Plan application, please rise and state your name for the record. Let the record show no public comment.

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

Seconded by Ms. Little. Motion carried; 4-Ayes.

Ms. Little makes a motion on the James and Cheryl Hayes application, granting conditional Site Plan Approval for the renovations of an existing 3-bedroom dwelling, carport and to construct repairs to the onsite sewage disposal system located within “*A Designated Protection Area*” of Greenwood Lake, situated on tax parcel S 74 B 5 L 29; project located on the eastern side of Jersey Avenue 310 feet east of Furnace Trail (228 Jersey Ave.), in the SM zone, of the Town of Warwick, County of Orange, State of New York. A Type 2 Action was adopted on June 5, 2019. Approval is granted subject to the following conditions:

1. OC Planning Department – 06/17/19 advisory comment for stormwater management
2. TW Building Department – 05/23/19 no violations
3. The Building Department has the smaller home listed as a seasonal structure; if the owner would like to have this structure as a year-round residence compliance with the energy code is required. The Building will remain a seasonal structure.
4. OCDOH – pending acceptance of new septic system 08/23/19 OCDOH accepted two structures with 3 bedrooms each.
5. Applicant to clarify septic system pump usage if there is a power outage but the municipal water system remains functioning. A note shall be added to the plan.
6. The Town of Warwick standard notes must be added. The note: “All new utilities shall be constructed underground.” must be added to the plan.
7. The surveyor must sign and seal the plans.
8. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” (Sheet 1, Construction Note 3)
9. Surveyor to certify that iron rods have been set at all property corners.
10. Payment of all fees.

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

Dave Getz: Thank you.

Review of Submitted Maps:***O.C. Land Trust/Sapanaro 5-Lot Lot Line Change***

Application for Sketch Plat Review and Application for Final Approval of a proposed 5-Lot Lot Line Change, situated on tax parcels S 61 B 1 L 26, S 61 B 1 L 25.1, S 62 B 1 L 6.1, S 62 B 2 L 1, and S 62 B 5 L 6; parcels located on the eastern side of Nelson Road in the vicinity of Rose Hill Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Shanna Abeles from OC Land Trust.

The following comment 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 – 08/29/19 no violations except 62-2-1 has two expired permits #8563 (addition) and #10759 (garage repair and roof).
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, general note 14)
8. Applicant to provide a metes and bounds description for the Dedication Offer to the Town of Warwick for Nelson Road.
9. Applicant to offer the dedication to the Town of Warwick Town Board.
10. Surveyor to certify that iron rods have been set at all property corners.
11. The liber and page for the deed referencing the changes made to the lot lines should be noted on the plans.
12. The liber and page for the Ridgeline and Biodiversity Notes must be added to the plan.
13. Payment of all fees.

The following comment submitted by the Conservation Board:

O.C. Land Trust/Sapanaro 5-Lot Lot Line Change – None submitted.

The following comment submitted by the ARB:

O.C. Land Trust/Sapanaro 5-Lot Lot Line Change – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This is a Type 2 Action. There is no construction proposed. It is just a lot line change. Not SEQRA review is necessary. I have prepared a Type 2 Action Resolution for the Planning Board’s consideration.

Mr. McConnell makes a motion for the Type 2 Action.

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

617.6
State Environmental Quality Review (SEQR)
Resolution
Type 2 Action

Name of Action: Orange County Land Trust Re-Subdivision

Whereas, the Town of Warwick Planning Board is in receipt of a Subdivision application by Orange County Land Trust, Inc., Land of America, Inc., Sanders, Olsen, & Brennan for a ± 158 acre parcel of land located at Nelson Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 7/31/19 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 a Type 2 Action that meets the thresholds found in 6 NYCRR 617.5(c)(8)(11)(32) and, therefore, SEQR does not apply, and

Whereas, the Planning Board has determined that the proposed project is not within an agricultural district and, therefore, the requirements of 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 that no further review under SEQR is required.

Comment #2: Applicant to discuss project.

Dave Getz: This proposed application has 5 parties involved. There are 2 main parties which are Jeff Sapanaro from Lands of America that owns a parcel of land. OC Land Trust owns an adjacent parcel of land. The purpose of this proposed lot line change is to change the shape of those parcels and add acreage to the OC Land Trust's parcel. Shanna Abeles from the OC Land Trust could explain to the Board what they are looking to do.

Shanna Abeles: The idea is that we would combine these 2 parcels for the eventual transfer to the State for an addition to the Sterling Forest State Park.

Mr. Astorino: That is very valid.

Dave Getz: There is no construction proposed on either lot. The other 3 small parcels that are involved are neighbors that they themselves have built encroachments onto the land.

Mr. Astorino: You are basically taking care of those encroachments. Is that correct?

Dave Getz: Yes.

Shanna Abeles: Yes. We are looking to satisfy those encroachments.

Mr. Astorino: Ok.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Connie Sardo: We received OCPL comments today. They had no comments.

Mr. Astorino: Ok.

Comment #6: TW Building Department – 08/29/19 no violations except 62-2-1 has two expired permits #8563 (addition) and #10759 (garage repair and roof).

Mr. Astorino: Get those taken care of through the Building Department.

Dave Getz: Ok.

Comment #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, general note 14)

Mr. Astorino: There is no construction proposed. But, we will keep the comment.

Comment #8: Applicant to provide a metes and bounds description for the Dedication Offer to the Town of Warwick for Nelson Road.

Dave Getz: Ok.

Comment #9: Applicant to offer the dedication to the Town of Warwick Town Board.

Dave Getz: Ok.

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

Dave Getz: That is in process.

Comment #11: The liber and page for the deed referencing the changes made to the lot lines should be noted on the plans.

Dave Getz: Ok.

Comment #12: The liber and page for the Ridgeline and Biodiversity Notes must be added to the plan.

Dave Getz: Ok.

Comment #13: Payment of all fees.

Dave Getz: Ok.

Mr. Astorino: Do any Board members or Professionals have any comments or concerns? Since there is no construction proposed, does the Applicant wish to waive the Final Public Hearing?

Dave Getz: Yes. There is no construction proposed. We request that the Board waive the Final Public Hearing.

Ms. Little makes a motion to waive the Final Public Hearing.

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

Ms. Little makes a motion on the O.C. Land Trust/Sapanaro 5-Lot Lot Line Change application, granting conditional Final Approval of a proposed 5-Lot Lot Line Change, situated on tax parcels S 61 B 1 L 26, S 61 B 1 L 25.1, S 62 B 1 L6.1, S 62 B 2 L 1, and S 62 B 5 L 6; parcels located on the eastern side of Nelson Road in the vicinity of Rose Hill Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York. A Type 2 Action was adopted on September 18, 2019. Approval is granted subject to the following conditions:

1. TW Building Department – 08/29/19 no violations except 62-2-1 has two expired permits #8563 (addition) and #10759 (garage repair and roof).

2. 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, general note 14)
3. Applicant to provide a metes and bounds description for the Dedication Offer to the Town of Warwick for Nelson Road.
4. Applicant to offer the dedication to the Town of Warwick Town Board.
5. Surveyor to certify that iron rods have been set at all property corners.
6. The liber and page for the deed referencing the changes made to the lot lines should be noted on the plans.
7. The liber and page for the Ridgeline and Biodiversity Notes must be added to the plan.
8. Payment of all fees.

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

Dave Getz: Thank you.

Shanna Abeles: Thank you.

American Fruits Cordial Corp/Grizzanti

Application for Sketch Plat Review and Final Approval of a proposed Lot Line Change, situated on tax parcels S 10 B 1 L 23 and L 28.2; parcels located on the western side of Glenwood Road 2500 feet north of Newport Bridge Road (371 & 385 Glenwood Rd), in the AI zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Jeremy Kita, 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 – pending comments
6. NYS OPRHP – 02/25/19 no impact letter
7. OCDPW – pending response
8. TW Building Department – 08/29/19 no violations on 10-1-23; parcel 10-1-28.2 need a fire inspection
9. Application forms for Sketch Subdivision and Final Subdivision must be signed by the property owner for 10-1-23 (Mary Blenis) notarized and submitted.
10. ZBA: The following ZBA variances are required:
 - a. Proposed Lot 1:both sideyard (83' vs. 200')
 - b. Proposed Lot 1:building height (22.75'vs.60' existing)
 - c. Proposed Lot 1:building height (6.25'vs.12' existing)
 - d. Proposed Lot 2:rear setback (29' vs. 100')
 - e. Proposed Lot 2:building height (7.25'vs.16.5'existing)
11. The following are existing non-conformities but are not proposed to be changed as part of this application:
 - a. Proposed Lot 2: existing garage (0' vs. 5')
12. Applicant to clarify status of gravel driveway with unknown owner (shown as a 20' ROW).
13. Additional information is required to know if a shared driveway agreement is needed or already existing.
14. Applicant to clarify if rear access is used across parcel 10-1-71.1 and possibly other tax lots.
15. Applicant to clarify if the well on Lot 1 services both Lot 1 and Lot 2. If this well services both proposed lots, a new well should be drilled to service the Agricultural storage building.
16. The uses for the existing septic systems should be provided, as well as documentation that each system is satisfactorily operating.
17. Sheet 1, Note 11 appears incomplete; Applicant to clarify note.
18. Sheet 1, Note 18 appears to include Ridgeline information but this project is not included in the Ridgeline; Applicant to modify note.
19. The 911 addresses must be shown on the plan.
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.” (Sheet 1, general note 15)
21. Surveyor to certify that iron rods have been set at all property corners.
22. The liber and page for the deed referencing the changes made to the lot lines.
23. The liber and page for the Aquifer and Agricultural Notes must be added to the plan.
24. Payment of all fees.

The following comment submitted by the Conservation Board:

American Fruits Cordial Corp/Grizzanti – None submitted.

The following comment submitted by the ARB:

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This is a Type 2 Action. This application is for a proposed lot line change. There is no construction proposed. SEQRA review is not necessary. I have prepared a Type 2 Action Resolution for the Planning Board's consideration.

Mr. Kennedy makes a motion for the Type 2 Action.

Seconded by Ms. Little. The following Resolution was carried 4-Ayes.

617.6
State Environmental Quality Review (SEQR)
Resolution
Type 2 Action

Name of Action: American Fruits Cordial Corp. Re-Subdivision

Whereas, the Town of Warwick Planning Board is in receipt of a Subdivision application by American Fruits Cordial Corp. for a ± 38.6 acre parcel of land located at 371 & 385 Glenwood Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 8/26/19 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 a Type 2 Action that meets the thresholds found in 6 NYCRR 617.5(c)(4)(8)(11)(32) and, therefore, SEQR does not apply, and

Whereas, the Planning Board has determined that the proposed project is within an agricultural district and, therefore, the requirements of 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 that no further review under SEQR is required.

Comment #2: Applicant to discuss project.

Dave Getz: The owners own the 2 lots. They want to reconfigure the dividing line between the 2 lots so that the new line passes between their distillery building on Glenwood Road and with another large Agricultural building that is nearby.

Jeremy Kita: It is to separate them so that the distillery could own the distillery business. The other property would be owned by American Fruits.

Mr. Astorino: You will need to go to the ZBA for some variances.

Dave Getz: Right.

Mr. Astorino: We will refer you to the ZBA. We will list Comment #1 through Comment #24 for the record. Do any Board members or Professionals have any comments or concerns?

Dave Getz: Regarding the 25' strip of land, who owns that strip?

Mr. Astorino: You will need to find out who owns it. You will need to clarify who owns that 25' strip of land. This Board would like to know who owns it.

Laura Barca: The reason why that is important is because that would be access to your property.

Mr. Astorino: You will need to clarify that. We need to know who ownership of that parcel is. You are off to the ZBA.

Dave Getz: Ok. We will clarify that. Thank you.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

Comment #6: NYS OPRHP – 02/25/19 no impact letter

Comment #7: OCDPW – pending response

Comment #8: TW Building Department – 08/29/19 no violations on 10-1-23; parcel 10-1-28.2 need a fire inspection

Comment #9: Application forms for Sketch Subdivision and Final Subdivision must be signed by the property owner for 10-1-23 (Mary Blenis) notarized and submitted.

Comment #10: ZBA: The following ZBA variances are required:

- a. Proposed Lot 1: both sideyard (83' vs. 200')
- b. Proposed Lot 1: building height (22.75' vs. 60' existing)
- c. Proposed Lot 1: building height (6.25' vs. 12' existing)
- d. Proposed Lot 2: rear setback (29' vs. 100')
- e. Proposed Lot 2: building height (7.25' vs. 16.5' existing)

Comment #11: The following are existing non-conformities but are not proposed to be changed as part of this application:

- f. Proposed Lot 2: existing garage (0' vs. 5')

Comment #12: Applicant to clarify status of gravel driveway with unknown owner (shown as a 20' ROW).

Comment #13: Additional information is required to know if a shared driveway agreement is needed or already existing.

Comment #14: Applicant to clarify if rear access is used across parcel 10-1-71.1 and possibly other tax lots.

Comment #15: Applicant to clarify if the well on Lot 1 services both Lot 1 and Lot 2. If this well services both proposed lots, a new well should be drilled to service the Agricultural storage building.

Comment #16: The uses for the existing septic systems should be provided, as well as documentation that each system is satisfactorily operating.

Comment #17: Sheet 1, Note 11 appears incomplete; Applicant to clarify note.

Comment #18: Sheet 1, Note 18 appears to include Ridgeline information but this project is not included in the Ridgeline; Applicant to modify note.

Comment #19: The 911 addresses must be shown on the plan.

Comment #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.” (Sheet 1, general note 15)

Comment #21: Surveyor to certify that iron rods have been set at all property corners.

Comment #22: The liber and page for the deed referencing the changes made to the lot lines.

Comment #23: The liber and page for the Aquifer and Agricultural Notes must be added to the plan.

Comment #24: Payment of all fees.

Other Considerations:

1. **Hazen Subdivision** – Letter from Dave Getz, Lehman & Getz Engineering, dated 8/27/19 addressed to the Planning Board in regards to Lot #11 of the Hazen/Roland Subdivision 76 Bowen Road – requesting “Amended” Final Approval for Lot #11 of the Hazen Subdivision.

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

Mr. Astorino: We spoke about this at the Work Session. They are moving the house down. It is located within the Ridgeline Overlay District. It would be less of an impact. We have recently done this before in this subdivision. They are moving the house out of the Ridgeline Overlay District. They are moving it downhill. They need Planning Board approval to do that. That is because how the Town Code reads. It would be less of an impact.

Ms. Little: Yes.

Dave Getz: They are shortening the driveway. It would be the same driveway entrance. It would be less of an impact.

Mr. McConnell makes a motion on the Hazen Subdivision, granting “*Amended*” Final Approval was granted for the relocation of a proposed new house downhill by more than 20 feet from the approved location, situated on tax parcel S 63 B 3 L 7; parcel located at 76 Bowen Road, in the MT zone, of the Town of Warwick, County of Orange, State of New York.

Seconded by Ms. Little. Motion carried; 4-Ayes.

2. Planning Board Minutes of 6/5/19 for PB Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 6/5/19.

Seconded by Ms. Little. Motion carried; 4-Ayes.

3. Planning Board to discuss Canceling the 9/23/19-Work Session & 10/2/19-Planning Board Meeting.

Mr. McConnell makes a motion to Cancel the 9/23/19-Work Session & 10/2/19-Planning Board Meeting.

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

Correspondences:

1. Letter from Ross and Madelyn Folino, dated 8/27/19 addressed to the Planning Board in regards to the MTAG Migrant Housing application on Mission Land Rd., Pine Island.
2. Email from Thomas Cassidy, dated 9/17/19 addressed to the Planning Dep't., in regards to View Verizon 31 Ruskiewicz Lane proposed cell tower.
3. Email from Patricia Oliver, dated 9/18/19 addressed to the Planning Dep't., in regards to View Verizon 31 Ruskiewicz Lane proposed cell tower.

Mr. Astorino: We have those correspondences in our packets.

Mr. McConnell: Are we going to talk about doing a site visit for the MTAG Migrant Housing application?

Mr. Astorino: We will talk about that at a Work Session.

Mr. McConnell: Ok.

Ms. Little: Have we received any specifications from the OC Health Department?

Laura Barca: Yes. The question was what the required space is for each person living in the structure. The answer from the Health Department according to the Code is 5'x10' 50 square feet is required per person over the age 2. That is the answer.

Mr. Astorino: We asked.

Ms. Little: What about the bathroom and kitchen facilities?

Laura Barca: I did not ask that question.

Mr. Astorino: We could ask them.

Mr. Bollenbach: We also have minimum dwelling unit size in our Code.

Mr. Astorino: We will need to take a look at that. I know the Board is concerned about that. We could discuss it at a Work Session.

Privilege Of The Floor For Agenda Items!!

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

Mr. McConnell makes a motion to adjourn the September 18, 2019 Planning Board Meeting.

Seconded by Ms. Little. Motion carried; 4-Ayes.