

TOWN OF WARWICK PLANNING BOARD

June 5, 2019

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

The regular meeting of the Town of Warwick Planning Board was held Wednesday, June 5, 2019 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

PUBLIC HEARING OF Warwick Pioneer Farm, LLC

Application for Final Approval of a proposed 4-Lot (Minor) subdivision, situated on tax parcel S 52 B 1 L 26.2, parcel located on the southern side of NYS Route 94S (60 NYS Route 94S), in the SL zone, of the Town of Warwick.

Representing the applicant: Karen Emmerich from Lehman & Getz Engineering. Jane Newman, Applicant.

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

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – no comments received
4. Architectural Review Board – no comments received
5. OC Planning Department – 03-09-18 advisory comments for no further development and Proposed Lots 3 and 4 will require ZBA variance; binding comment for potential impacts to the Conservation Easement
6. TW Building Department – 03-22-18 pending application for interior renovation (app#20170532), pool gate has a broken lock, two tiny homes need to be removed, two mobile homes need to be removed, install balusters and riser covers on main house deck stair
7. Total lot area is 144.331 acres and the sum of the four subdivided lots is 143.4; Applicant to clarify.
8. The line types for proposed, existing, and farmstead complex must be consistent. Each line type must be different and called out in the legend.
 - a. There seems to be a missing line segment near the N/F Parkin property. (Complete. Sheet 1).

- b. Also the three line segments on Lot 1 within the existing structures should be clarified.
- c. There is a missing line segment between Lot 2 and the Village of Warwick boundary; the two lots that are shown are not defined in the legend.
9. The boundaries of USACE Wetland C should be more clearly shown on the plan.
10. Sheet 1, Note 18 states that each dwelling will have two 100-sf rain gardens added. Please clarify if this is each proposed dwelling. Also, please show the rain gardens, with details, on the plans.
11. Sheet 1, Note 18 states that trees will be added along the Lot 2 driveway; please add the tree locations, landscaping detail(s), and table to the drawings.
12. Please submit a landscaping cost estimate.
13. The improvements for Carroll Drive would need to be shown on the plan. Please submit a construction cost estimate.
14. On Sheet 5, Applicant should clarify the sewer and water separation (currently shown at 18').
15. Applicant to clarify if this easement is filed in Orange County Clerk's Office; liber and page shall be added to the plan.
16. The proposed Lot 1 conservation easement restrictions that are in place should be noted on the plan.
17. Grading, stormwater management, and erosion control are not shown for Lots 3 and 4. Additional topographic information (e.g., offsite elevations) must be added to confirm soil & erosion control is appropriate.
18. The proposed limits of disturbance must encompass the planned SDS on Lot 2. Given the amount of added impervious there will be a need for stormwater quantity and quality measures to be incorporated into the plan for the driveway.
19. For Lot 2, the Fire Code of NYS, Section 511.2.2 requires a turnaround suitable for use by fire apparatus if the driveway is longer than 500-ft. Applicant to clarify. Applicant to add a note to the plan. Any related grading to achieve this criterion shall be shown on the plan.
20. For Lot 2, Fire Code of NYS Section 511.2.3 requires driveways in excess of 500-ft to provide turnouts that are at least 20-ft wide and 50-ft long.
21. A copy of the existing shared driveway and maintenance agreement for 52-1-26.1 and 52-1-26.2 must be submitted to the Planning Board (per filed map 10253, liber 3442 and page 79).
22. A shared driveway agreement must be prepared for proposed Lots 3 and 4. A driveway profile for the shared driveway shall be provided along with elevation information for the proposed dwellings to include basement, garage and first floor elevations.
23. Two of the 911 addresses say South Route 94 instead of State Route 94; Applicant to clarify.
24. Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained." (Sheet 1, Note 16)
25. Surveyor to certify that iron rods have been set at all property corners.
26. The liber and page for applicable overlay districts, the existing driveway agreement for lots 52-1-26.1 and 52-1-26.2, and the proposed shared driveway agreement for proposed lots 3 and 4 must be added to the plan.
27. The Performance Bond and site inspection fees would be required for the Carroll Drive improvements.
28. Payment of lieu of parkland fees per §75-3.A(2)(a)(3) for three lots.
29. Payment of all fees.

The following comment submitted by the Conservation Board:

Warwick Pioneer Farm, LLC – None submitted.

The following comment submitted by the ARB:

Warwick Pioneer Farm, LLC – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Planning Board classified this as an Unlisted Action. The Planning Board had declared itself Lead Agency on this application. There were a couple of SEQRA issues that needed to be reviewed. One issue had to do with the site's present within an archeological sensitive area. There was a Phase I Archeological Study that was done. It was submitted to the State. The State came back and said as long as the plan showed Lots 2, 3, and 4 was followed, that there would not be any impact on historic or archeological remains that may be on the property. There is a State protected freshwater wetland on the site. The two proposed lots, Lot #3 and #4 have a portion of the wetland on the adjacent area on it. The Applicant had the property's wetland properly validated a few years ago. It has now expired. We are waiting for a revalidation of the map to be provided. Dave Griggs has gone out to the property twice. The first time, he delineated the wetland that the State validated at that time. He went out again. The State is aware of it. I believe they will be providing a new wetland validation map.

Karen Emmerich: The State went out with Dave Griggs last March. It is a matter of getting a signed panel on the wetland.

Mr. Fink: Right. It would be a signed stamp on the wetland.

Karen Emmerich: Yes.

Mr. Fink: Ok. Those were the 2 main issues related to SEQRA.

Comment #2: Applicant to discuss project.

Karen Emmerich: We have a 144-acre parcel that is the home of Pioneer Farm. The Bulk of the Farm is in PDR. There were some out parcels that were reserved for future subdivision. That is why we are here. There is a new lot, Lot 2 that comes off Route 17A. It has a long driveway with a house up in the back. There are 2 additional lots that will access Carroll Drive which is located in the Village. Those 2 lots would be provided with Village Water & Sewer. That has been agreed by the Village and the Applicant. The bulk of the property is to remain PDR with the Pioneer Farm.

Mr. Astorino: Those 2 Village lots, the one lot was created under the 89' Code due to the fact that it is in the AP-O District. The other lot went for a variance through the Town ZBA.

Karen Emmerich: That is correct. They received the ZBA variance May of 2018.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – 03-09-18 advisory comments for no further development and Proposed Lots 3 and 4 will require ZBA variance; binding comment for potential impacts to the Conservation Easement

Mr. Astorino: We have that. The County Planning comment dated 3/9/18 is stated as follows: *The Department has received the above referenced minor subdivision and has determined that the intended land use has the potential to cause inter-municipal and countywide impacts. Therefore, the following binding comments should be addressed and may not be acted contrary upon except by a majority plus one vote of the members of the Town of Warwick Planning Board or by disapproving the action. Impacts to Conservation Easement: The Town of Warwick holds a Conservation Easement on 116.845 acres of the property (roughly analogous to the area designated as Lot 1). While the proposed improvements for Lot 2 are not located within the Conservation Easement, they are directly adjacent to it and have a potential to cause adverse impacts to the quality of the land under conservation. We therefore recommend that the Town eliminate proposed Lot 2 and its excessively long driveway. Alternatively, the Town could locate the house on the portion of Lot 2 closest to Route 94. We did look at that. The owners of Pioneer Farm their point is that they want to have the farm operation towards Route 94. Putting a house there would inhibit that. That was why they went back there. Karen and to the Applicant, I am not saying any decision would be made tonight but tonight we only have 3 Board Members here tonight. By this comment that we have from the County, we cannot act tonight with this Board.*

Mr. Bollenbach: Just for everyone's information, this Conservation Easement was funded in part through the National Resource Conservation Services. It is the United State Government. They have reviewed it. They have found it to be acceptable, there was no conflict.

Mr. Fink: As far as the County's comments, I have prepared some findings within a Draft Negative Declaration. One is that the Applicant proposed trees along that driveway to try and to mitigate that potential for impacting that Conservation Easement. I think we had discussed at one of the Work Sessions that there had been some soil testing done along Route 94.

Karen Emmerich: I am not sure. I don't remember that.

Mr. Bollenbach: There is a provision in the Conservation Easement that an additional dwelling may be installed in that farmstead complex. That would be Farmstead Complex A which is located down by Route 94 adjacent to where that long driveway accesses. It was found to be acceptable.

Mr. Astorino: Ok. Thank you John.

Comment #6: TW Building Department – 03-22-18 pending application for interior renovation (app#20170532), pool gate has a broken lock, two tiny homes need to be removed, two mobile homes need to be removed, install balusters and riser covers on main house deck stair

Mr. Astorino: Are you working on that?

Jane Newman: It was already fixed. It was fixed a month after that.

Mr. Astorino: Has the Building Department been notified about that?

Jane Newman: Yes.

Mr. Astorino: We will check on that.

Comment #7: Total lot area is 144.331 acres and the sum of the four subdivided lots is 143.4; Applicant to clarify.

Karen Emmerich: Will do.

Comment #8: The line types for proposed, existing, and farmstead complex must be consistent. Each line type must be different and called out in the legend.

- a. There seems to be a missing line segment near the N/F Parkin property. (Complete. Sheet 1).
- b. Also the three line segments on Lot 1 within the existing structures should be clarified.
- c. There is a missing line segment between Lot 2 and the Village of Warwick boundary; the two lots that are shown are not defined in the legend.

Karen Emmerich: Ok. We will talk to Laura about that comment.

Comment #9: The boundaries of USACE Wetland C should be more clearly shown on the plan.

Karen Emmerich: Ok.

Comment #10: Sheet 1, Note 18 states that each dwelling will have two 100-sf rain gardens added. Please clarify if this is each proposed dwelling. Also, please show the rain gardens, with details, on the plans.

Karen Emmerich: Yes. It is.

Comment #11: Sheet 1, Note 18 states that trees will be added along the Lot 2 driveway; please add the tree locations, landscaping detail(s), and table to the drawings.

Karen Emmerich: Will do.

Comment #12: Please submit a landscaping cost estimate.

Karen Emmerich: Will do.

Comment #13: The improvements for Carroll Drive would need to be shown on the plan. Please submit a construction cost estimate.

Karen Emmerich: Ok.

Comment #14: On Sheet 5, Applicant should clarify the sewer and water separation (currently shown at 18').

Karen Emmerich: Ok.

Comment #15: Applicant to clarify if this easement is filed in Orange County Clerk's Office; liber and page shall be added to the plan.

Karen Emmerich: Yes.

Comment #16: The proposed Lot 1 conservation easement restrictions that are in place should be noted on the plan.

Karen Emmerich: Ok.

Comment #17: Grading, stormwater management, and erosion control are not shown for Lots 3 and 4. Additional topographic information (e.g., offsite elevations) must be added to confirm soil & erosion control is appropriate.

Karen Emmerich: Will do.

Comment #18: The proposed limits of disturbance must encompass the planned SDS on Lot 2. Given the amount of added impervious there will be a need for stormwater quantity and quality measures to be incorporated into the plan for the driveway.

Karen Emmerich: I will talk to Laura about that.

Comment #19: For Lot 2, the Fire Code of NYS, Section 511.2.2 requires a turnaround suitable for use by fire apparatus if the driveway is longer than 500-ft. Applicant to clarify. Applicant to add a note to the plan. Any related grading to achieve this criterion shall be shown on the plan.

Karen Emmerich: Ok.

Comment #20: For Lot 2, Fire Code of NYS Section 511.2.3 requires driveways in excess of 500-ft to provide turnouts that are at least 20-ft wide and 50-ft long.

Karen Emmerich: Ok.

Comment #21: A copy of the existing shared driveway and maintenance agreement for 52-1-26.1 and 52-1-26.2 must be submitted to the Planning Board (per filed map 10253, liber 3442 and page 79).

Karen Emmerich: Ok.

Comment #22: A shared driveway agreement must be prepared for proposed Lots 3 and 4. A driveway profile for the shared driveway shall be provided along with elevation information for the proposed dwellings to include basement, garage and first floor elevations.

Karen Emmerich: Will do.

Comment #23: Two of the 911 addresses say South Route 94 instead of State Route 94; Applicant to clarify.

Karen Emmerich: Ok.

Comment #24: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” (Sheet 1, Note 16)

Mr. Astorino: That is on the plans. That comment is there as a place keeper.

Comment #25: Surveyor to certify that iron rods have been set at all property corners.

Karen Emmerich: Ok.

Comment #26: The liber and page for applicable overlay districts, the existing driveway agreement for lots 52-1-26.1 and 52-1-26.2, and the proposed shared driveway agreement for proposed lots 3 and 4 must be added to the plan.

Karen Emmerich: Will do.

Comment #27: The Performance Bond and site inspection fees would be required for the Carroll Drive improvements.

Karen Emmerich: Ok.

Comment #28: Payment of lieu of parkland fees per §75-3.A(2)(a)(3) for three lots.

Karen Emmerich: Ok.

Comment #29: Payment of all fees.

Karen Emmerich: Ok.

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

Mr. Fink: Note #19 on the subdivision plans regarding the 280a variance should state Lot #4 not Lot #3.

Karen Emmerich: Yes. You are correct.

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

Dawn Delahoz: We are not so much opposed to the work that wants to be done. The access road comes right across the back of our yard.

Mr. Astorino: Are you talking about the common driveway?

Dawn Delahoz: Yes. The common driveway. There is no barrier. It is very close to the property line.

Emanuel Delahoz: We have concerns with the driveways of Lots 3 and 4.

Karen Emmerich shows the map to Mr. Astorino and the Planning Board. They discuss alternatives with the driveways of Lots 3 and 4. Mr. Astorino stated that they could work something out with a barrier between Lots 3 and 4.

Dawn Delahoz: We want a barrier. That is our concern.

Mr. Astorino: Looking at the map, maybe we could move the driveway where lots 3 and 4 are located and put in some screening. We could have them put in some additional trees and shrubs.

Jane Newman: One of the issues is that there are trees located there. It is quite thick there. Looking at the map, that would be a reason to keep it located here.

Mr. Bollenbach: We could show limits of disturbance so that does not get disturbed and augmented to the Town Planner's specifications.

Mr. Astorino: Looking at the map, if this driveway gets move let's add a few trees/shrubs to the Town Planner's specifications. I could go out there with Ted and Laura to take a look at it. I am not going to say what is going to be out there until we go out and mitigate this. There will be a 3-year Landscape Bond put in place with the applicant for survivability with the plantings. If it needs more screening, we will add it. Is there anyone else wishing to address the Pioneer Farm application?

Vito Roca: I have concerns about a security issue where the direction of the driveway is headed right towards my pool. I want it on record that the direction of that driveway is a safety concern to me. There will be gas trucks, UPS trucks, etc...going through there.

Mr. Astorino: We had agreed to run the driveway up. Chris, please show Mr. Roca the plan on where the driveway will be.

Ms. Little shows the plans to Mr. Roca on the rerouting mitigation of the driveway. Mr. Roca was satisfied with the layout of the driveway.

Dawn Delahoz: The way it is right now would eliminate privacy.

Mr. Astorino: That is why we will be going out with our Town Planner and Engineer to walk the site and take photos. If we need to add more screening of deer resistant arborvitaes, it would be a wise move to do.

Dawn Delahoz: I think when you go out there you will see maybe more options.

Mr. Astorino: Exactly. Ted Fink, our Planner is very schooled in that as well as our Engineer is also. We will figure it out and get something there that will last.

Ms. Little: Also with the rerouting of that driveway it would be eliminating that direct view of traffic.

Mr. Astorino: Rerouting the driveway won't be an issue. It would even be shorter. Is there anyone else wising to address the Pioneer Farm application?

Maureen Segota: I live in the Village across the street from Delahoz. You mentioned something about fire trucks having a turnaround.

Mr. Astorino: That is on the long driveway. That is not for Lots 3 and 4.

Maureen Segota: Ok. What about these houses?

Mr. Astorino: Those houses are located off Carrol Drive. They would have no problems getting to them.

Maureen Segota: Ok. Would they be able to turnaround?

Mr. Astorino: Yes. They would back up.

Mr. MacDonald: On a long driveway with no fire hydrant system within that portion they would be bringing in trucks with water. On a long driveway, you will need a turnaround. On short driveways, you don't need a turnaround.

Mr. Showalter: They do have turn spots in driveways for that.

Maureen Segota: Ok. Can you show all of us how the driveways will be rerouted.

Mr. Astorino stated that he doesn't have a screen for the map to show everyone. He shows the plan to Ms. Segota on how the driveways of Lots 3 and 4 will be rerouted.

Maureen Segota: There was an open house at the farm last year in the spring. It was wonderful for them to show us what was going on with the wedding venues and all of that. At that time, we were shown that this was a possibility that this could happen. We were told that it was going to be on the other side of the wetland. It wasn't going to be on this side of the wetland. That was the first surprise to us. The second issue is that only certain homes on Southern Lane were given a notice of a certified letter last week. We feel like it was pick and choose on who gets a letter.

Mr. Astorino: Did you receive a letter?

Maureen Segota: No. We did not.

Mr. Astorino: Connie, are they notified within 300 feet?

Connie Sardo: Yes.

Mr. Astorino: I can't go through these mailing receipts tonight. There is a huge stack of them.

Maureen Segota: There were a few of us that did not receive letters.

Mr. Astorino: Are you within 300 feet?

Maureen Segota: Absolutely.

Mr. Astorino: We will take a look into that. You are here now.

Maureen Segota: Even though if my neighbors even received a letter, it came on a Saturday or a Monday. It gave them very little time.

Mr. Astorino: In the Code the letter has to be mailed out 5-days before. They were mailed out 7 days before.

Connie Sardo: Did you receive an early neighborhood notification letter about the project when it was first submitted to the Planning Board by regular mail?

Maureen Segota: This was the first that we have heard about it. It would be nice in the future to have a little more ample time on being notified. Someone was going door to door handing out these notices.

Mr. Astorino: That was the Post Master doing that.

Maureen Segota: The other issue is in regards to these weddings that they have. The sound is affecting the quality of life.

Mr. Astorino: For the record, that is not a Planning Board issue. That goes through the Town of Warwick Building Department. That is not the Planning Board's issue. I do know that the Police Department carries sound meter now. If you have an issue, contact the Police Department. The Planning Board does not do enforcement.

Maureen Segota: We are aware of that. They were nice enough to give us all of the dates of the weddings and venues. Regarding these homes that are going to be built, you mentioned the landscaping and topography that is there right now. It is really shrubs. It is not full-grown trees.

Mr. Astorino: That is why we are going to go out and assess it. That is why I think the arborvitaes would work there. They are quick growing. We will look into that when we go out there to assess it.

Dawn Delahoz: We have concerns about the value of our homes.

Mr. Astorino: The Town has Codes that the Applicant would have to abide by. Warwick is Agri-friendly to the local farmers. Majority of this property is in PDR. If the Newmans did not put the property into PDR, you would have been looking at many more homes being built than what they propose to do now.

Dawn Delahoz: Absolutely.

Mr. Astorino explains to the resident's their concerns about the driveways of Lots 3 and 4 locations that they would be relocated and more screening would be added. Ted Fink, Town Planner and Laura Barca, Planning Board Engineer will go out to the site and make that assessment on how much and where more screening needs to be added.

Kathryn Petrillo-Klein: I live on Carrol Drive. What is the process after tonight?

Mr. Astorino: This Board could take action tonight. We did have another Planning Board member show up tonight. If we choose to do conditional final approval, the Board could take action on that tonight. What we are talking about tonight is changing the location of the driveway. That has already been discussed and agreed to by the Applicant. The way this process works is the Applicant went to the ZBA and to us. Now we are having a public hearing. We did hear some valid concerns as far as mitigation. One concern was the layout of the driveway. As we had pointed out, the Applicant has already agreed to change the location of the driveway. We also discussed to add some more screening along the property line where these homes are proposed. We heard that there is some second growth out there. We also had heard that there are some spots open. I have mentioned before that our Planner and Engineer will go out to the site to take a look at any necessary screening that needs to be added. If this gets approved tonight, it would get conditional final approval. What that means is before they could do anything, they would have to meet the conditions of final approval. Once all of the conditions have been met and bonds and fees have been paid, then the final maps would be signed by the owner of the property and I would sign off on the final maps. Once the final maps are signed off, they would then get filed with the Orange County Clerk. Once that is done, then the owner could sell off the lots. Is there anyone else wishing to address the Pioneer Farm subdivision application?

Eric Segota: I would like to have a guarantee that this driveway won't turn into a road down the line.

Mr. Astorino: It can't. It is a driveway. It is not a road.

Eric Segota: Ok. Thank you.

Mr. Astorino: There are also covenants on this property for Purchase Development Rights (PDR). They would not be able to do that.

Eric Segota: Ok. Thank you.

Mr. Astorino: Is there anyone else wishing to address the Pioneer Farm subdivision application? Let the record show no further public comments. Do any Board members or Professionals have any comments or concerns?

Ms. Little: I would like to thank everyone for coming out and voicing your comments concerns. You are the example of how the process should work at a public hearing. Thank you for that.

Mr. Astorino: We have a Negative Declaration. Does the Board wish to make a motion for the Negative Declaration.

Ms. Little makes a motion for the Negative Declaration.

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

617.12(b)

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

Name of Action: Pioneer Farm Subdivision

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

Whereas, there are other involved agencies pursuant to SEQR, including the Town Zoning Board of Appeals, the Village Board of Trustees, and the NY State departments of Environmental Conservation and Transportation, which will make their own SEQR Determinations of Significance, and

Whereas, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated February 27, 2018, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

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

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

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

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

Ms. Little makes a motion on the Pioneer Farm, LLC application, granting Conditional Final Approval for a proposed 4-Lot subdivision, situated on tax parcel S 52 B 1 L 26.2; parcel located on the southern side of NYS Route 94S (60 NYS Route 94S), in the SL zone, of the Town of Warwick, County of Orange, State of New York. A SEQRA Negative Declaration was adopted on June 5, 2019. Approval is granted subject to the following conditions:

1. OC Planning Department – 03-09-18 advisory comments for no further development and Proposed Lots 3 and 4 will require ZBA variance; binding comment for potential impacts to the Conservation Easement
2. TW Building Department – 03-22-18 pending application for interior renovation (app#20170532), pool gate has a broken lock, two tiny homes need to be removed, two mobile homes need to be removed, install balusters and riser covers on main house deck stair
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9. The improvements for Carroll Drive would need to be shown on the plan. Please submit a construction cost estimate.
10. On Sheet 5, Applicant should clarify the sewer and water separation (currently shown at 18’).
11. Applicant to verify that the drainage easement located at Carroll Drive is filed in Orange County Clerk’s Office; liber and page shall be added to the plan.
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23. The Performance Bond and site inspection fees would be required for the Carroll Drive improvements.
24. Payment of lieu of parkland fees per §75-3.A(2)(a)(3) for three lots.
25. Payment of all fees.
26. Revise Map Note #19 to correct the Lot #'s.
27. Relocate Lot 3 and 4 common drive and provide supplemental landscape screening to Town Planner's specifications.

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

Karen Emmerich: Thank you.

Review of Submitted Maps:***James and Cheryl 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 Area*” of Greenwood Lake, situated on tax parcel S 74 B 5 L 29; project located on the eastern side of Jersey Ave 310 feet east of Furnace Trail (228 Jersey Ave), in the SM zone, of the Town of Warwick.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Cheryl Hayes, 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. TW Building Department – 05/23/19 no violations
7. The Building Department has the smaller home listed as a two-bedroom; if OCDOH approves this home as a three bedroom, then the Building Department will update its records.
8. 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.
9. OCDOH – pending acceptance of new septic system
10. Applicant to clarify septic system pump usage if there is a power outage but the municipal water system remains functioning.
11. Applicant to provide annual maintenance contract for septic system; typically a three year contract.
12. Applicant to submit photographs looking into and looking outward from the project site.
13. FEMA floodplain map must be submitted and a reference note added to the plan.
14. This site plan must be in compliance with the Town of Warwick Stormwater regulations §164-47.10.
15. The water connections to both houses must be shown.
16. The Town of Warwick standard notes must be added.
17. The Town of Warwick standard note for lighting must be added to the plan.
18. The surveyor must sign and seal the plans.
19. 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.”

20. Surveyor to certify that iron rods have been set at all property corners.

21. 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: This is a home renovation. It meets one of the criteria for a Type 2 Action. There is no SEQRA review necessary. I have prepared a Type 2 Action for the Planning Board's consideration.

Mr. Showalter 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: Hayes Site Plan - Dwelling/Carport Renovations

Whereas, the Town of Warwick Planning Board is in receipt of a Site Plan application by James & Cherryl Hayes for a ± 0.761 acre parcel of land located at 228 Jersey Avenue, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 5/14/19 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)(2) 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: Mr. and Mrs. Hayes live at this property. We have been involved with the project a little longer than just the Planning Board application. They are replacing the sewage disposal system for 2 homes on the property. One home is the main home. The other building is a seasonal building. Because of the proximity to Greenwood Lake, the Town referred the sewage disposal system review over to the OC Health Department. We have been working with their review. The contractor has been placing fill as needed for the new system. That is underway now. We are close to the end of that process. They also want to do some work within the 100-foot Designated Protection Area. The new septic field is beyond the 100 feet. They want to do some improvements and renovations to the house, that is located within 100 feet of Greenwood Lake. That is why we are before the Planning Board.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – pending comments

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

Comment #7: The Building Department has the smaller home listed as a two-bedroom; if OCDOH approves this home as a three bedroom, then the Building Department will update its records.

Dave Getz: Ok.

Comment #8: 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.

Dave Getz: We understand. They are not planning to make it year-round at this time.

Cheryl Hayes: Correct.

Comment #9: OCDOH – pending acceptance of new septic system

Dave Getz: Right.

Comment #10: Applicant to clarify septic system pump usage if there is a power outage but the municipal water system remains functioning.

Mr. Astorino: We spoke about that at the Work Session. If you have the pump system and you are still getting water from it, it is going to fill up your holding tank pretty rapidly.

Dave Getz: You would have control over the amount of water you use. When you design a pump system, you would have to show that you have 24 hours storage above the alarm elevation. That is 24 hours for a 3-bedroom home which would be 330-gallons. That is a lot more than people would use in a typical day. If the homeowner is aware of the situation, I don't know what else we could say.

Mr. Astorino: That was just a topic we had brought up at the Work Session. We spoke about a generator would be needed. We know that these things are all over the place.

Mr. Bollenbach: That is how it works. That was what the County had approved.

Dave Getz: As long as the homeowner is aware of it.

Cherryl Hayes: We plan to put in a generator.

Ms. Little: It is not just a concern for back flow into your home. You are in close proximity to the lake. If that system fails, it should not run into the lake.

Dave Getz: Yes. We are aware of that.

Comment #11: Applicant to provide annual maintenance contract for septic system; typically a three year contract.

Dave Getz: Yes. We will provide that.

Mr. Astorino: That goes to the Building Department.

Dave Getz: Yes. It would also go to the OC Health Department.

Mr. Astorino: The rest of the comments are engineering comments. We will list Comment #12 through Comment #21 for the record. Do you have any comments that you would like to go through?

Dave Getz: We have one request. The Hayes request to get a permit to work on the carport. It is beyond the 100-foot line. The Building Department had said that since it is before the Planning Board, they could not issue a permit.

Mr. Astorino: It is all part of the Planning Board process. The Building Department cannot issue a permit for the carport because it is part of this process.

Dave Getz: Even though the carport is beyond the 100-foot line?

Mr. Astorino: It is part of the Planning Board site plan approval process. John, is that correct?

Mr. Bollenbach: Yes.

Dave Getz: Ok. We thought we would ask.

Comment #12: Applicant to submit photographs looking into and looking outward from the project site.

Comment #13: FEMA floodplain map must be submitted and a reference note added to the plan.

Comment #14: This site plan must be in compliance with the Town of Warwick Stormwater regulations §164-47.10.

Comment #15: The water connections to both houses must be shown.

Comment #16: The Town of Warwick standard notes must be added.

Comment #17: The Town of Warwick standard note for lighting must be added to the plan.

Comment #18: The surveyor must sign and seal the plans.

Comment #19: 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.”

Comment #20: Surveyor to certify that iron rods have been set at all property corners.

Comment #21: Payment of all fees.

Dave Getz: We request to be set for a public hearing once we get OC Health Department approval.

Mr. Astorino: I don't see a problem with setting this for a public hearing.

Ms. Little makes a motion to set the James and Cheryl Hayes Site Plan application for a Public Hearing at the next available agenda.

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

Dave Getz: Thank you.

Cherryl Hayes: Thank you.

Sorrenti Subdivision

Application for Sketch Plat Review of a proposed 2-Lot (Minor) subdivision, situated on tax parcel s 42 B 1 L 7; parcel located on the eastern side of Foley Road 900 feet south of Silo Lane (29 Foley Rd), in the RU zone, of the Town of Warwick. Previously discussed at the April 17, 2019 Planning Board Meeting.

Representing the applicant: Dave Getz from Lehman & Getz Engineering. Angelo Sorrenti, 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 – no comments received
6. TW Building Department – 04/08/19 no violations
7. ZBA variances required (variances were granted on May 28, 2019, this letter will be updated when documentation of the ZBA approval has been received):
 - a. Lot area (Lots 1)
 - b. Lot Width (Lot 1)
 - c. One side setback (Lot 1)
 - d. Both side setbacks (Lot 1)
 - e. Shed (Lot 1), unless shed is removed
8. Planning Board to consider scheduling a site inspection.
9. The metes and bounds must be provided for Proposed Lot 1.
10. Please show the truck turning radii (all four tires) on Sheet 4. The note indicates as “Firm, Stable Surface”, however please indicate proposed surface material. Plan notes and a related agreement to maintain clear access under all weather conditions shall be provided. The location of both the driveway turnout and the Fire Department turnaround should be shown on the Profile (sheet 4) for reference.
11. In no case shall the flag lot width be less than 50-ft at any point, §137-21.K(2)(a)[2]. Waiver requested.
12. Flag lots must meet all bulk requirements for the zoning district applicable, §137-21.K(2)(a)[2]. ZBA variances were requested and granted.
13. The combined frontage of the flag lot and front lot so created must be twice the minimum frontage within that zone §137-21.K(2)(a)[2]. Requesting waiver from 500’ to approximately 179’. Waiver requested.
14. The depth of the strip from the roadway to the front yard line shall not be less than 200-ft nor greater than 300-ft, §137-21.K(2)(a)[2]. Requesting waiver to approx. 550-ft. Waiver requested.
15. The flag lot driveway is required to be paved in its entirety (because it is a flag lot and because the grade is greater than 10%); Applicant may want to consider a shorter driveway to the proposed garage and/or a sidewalk or pathway from the garage to the house.
16. Fire Code of NYS, Section 511.2.2 requires a turnaround suitable for use by fire apparatus if the driveway is longer than 500-ft. Applicant to clarify. Applicant to add a note to the plan. Any related grading to achieve this criterion shall be shown on the plan. Please show the truck turning radii (all four tires) on Sheet 4.

17. Fire Code of NYS, Section 511.2.3 requires driveways in excess of 500-ft to provide turnouts that are at least 20-ft width and 50-ft long. Planning Board to re-consider the location of the turnout as shown on the plan (i.e., typically the turnout is located mid-way up the driveway).
18. There is a fence shown between the lots; a detail for this fence should be shown within the plans.
19. It is possible that the Federal wetland (Ab soil) is within 100-ft of the proposed septic system; Applicant to consider using the septic location closer to the home (shown on previous drawing and witnessed by HDR).
20. Applicant to clarify the location of the biodiversity overlay and the location of the proposed septic system.
21. The square rule (137-21.K(1) – Shape of Lot). The 200-ft square does not fit into Lot 1. Waiver requested.
22. This subdivision proposes to disturb approximately 0.8 acres and thus requires a simple SWPPP. Erosion control measures must be shown on the plan. Report must be sealed by Professional Engineer.
23. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” (Sheet 1, Note 14).
24. Please relocate proposed home roof drain further from the adjacent property (42-1-6.2).
25. Provide stormwater management for the proposed garage that is managed on this property.
26. The Applicant must add 911 addresses to the plan.
27. The plans must be signed by the surveyor.
28. The declaration information must be added for Ridgeline, Biodiversity, and Agricultural Notes.
29. Payment in lieu of parkland for one lot.
30. Surveyor to certify that iron rods have been set at all property corners.
31. Payment of all fees.

The following comment submitted by the Conservation Board:

Sorrenti Subdivision – None submitted.

The following comment submitted by the ARB:

Sorrenti Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: This application was previously before the Planning Board. There was no action taken under Lead Agency. It is an Unlisted Action. The ZBA was the only other Involved Agency. I have prepared a Resolution for the Planning Board’s consideration so we could start the SEQRA process.

Mr. MacDonald makes a motion for the Lead Agency.

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

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

Name of Action: Sorrenti Subdivision

Whereas, the Town of Warwick Planning Board is considering action on a proposed Subdivision application by Angelo Sorrenti for a \pm 17.8 acre parcel of land located at 29 Foley Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 3/27/19 was submitted at the time of application, and

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

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

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

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

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

Comment #2: Applicant to discuss project.

Dave Getz: Mr. Sorrenti owns approximately 18 acres. There is an existing house on the front of property. The proposed lot for that existing house is approximately 2 acres in size. It would leave approximately 15.8 acres for the back lot for one single-family home. Because of the shape of the property and the small lot size in the front, there were several variances that were needed. We have been before the ZBA. At the ZBA Meeting last week, they have granted the necessary variances for that layout.

Mr. Astorino: Ok.

Comment #3: Conservation Board – no comments received

Comment #4: Architectural Review Board – no comments received

Comment #5: OC Planning Department – no comments received

Mr. Astorino: We did receive a response from OC Planning Department, dated 5/3/19. The comment they had was more for the ZBA. The OCPL comment is stated as follows:
“Parcel Layout: The applicant has submitted a number of area variances that would have to be granted by the Zoning Board of Appeals prior to approval of this subdivision; one of those variances is for a parcel (proposed Lot 1) smaller than the minimum lot size. While part of this is dictated by the perc location for proposed lot 2, we advise the town that the parcel could potentially be increased to four acres in size, which would eliminate at least that variance. That was an issue more for the ZBA.

Dave Getz: Yes.

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

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

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

Mr. Astorino: We will need to see that on the plans.

Dave Getz: Yes.

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

Mr. Astorino: Connie, when is our next meeting?

Connie Sardo: The Board has a Work Session on 6/10/19. The Planning Board Meeting is on 6/19/19.

Mr. Astorino: We could do it before the 6/10/19 Work Session at 6:00 p.m. Does that work for everybody?

Ms. Little: Yes.

Mr. MacDonald: Yes.

Dave Getz: Yes.

Mr. Astorino: We will scheduled the site visit for Monday, 6/10/19 at 6:00 p.m.

Comment #9: The metes and bounds must be provided for Proposed Lot 1.

Dave Getz: Ok.

Comment #10: Please show the truck turning radii (all four tires) on Sheet 4. The note indicates as "Firm, Stable Surface", however please indicate proposed surface material. Plan notes and a related agreement to maintain clear access under all weather conditions shall be provided. The location of both the driveway turnout and the Fire Department turnaround should be shown on the Profile (sheet 4) for reference.

Dave Getz: Ok.

Comment #11: In no case shall the flag lot width be less than 50-ft at any point, §137-21.K(2)(a)[2]. **Waiver requested.**

Mr. Astorino: Why?

Dave Getz: We have a narrow lot.

Mr. Astorino: Could you get 50 feet over there?

Dave Getz: By doing that, you would be getting very close to the existing septic for the front house and shed.

Mr. Bollenbach: What would the setback from the septic system be?

Dave Getz: It would be less than 10 feet from the property line.

Mr. Astorino: Dave, I would open that up as much as you can. We will talk about it at the site visit.

Comment #12: Flag lots must meet all bulk requirements for the zoning district applicable, §137-21.K(2)(a)[2]. ZBA variances were requested and granted.

Mr. Bollenbach: That has been waived by the ZBA.

Mr. Astorino: That has been taken care of. Is that correct?

Mr. Bollenbach: Yes.

Comment #13: The combined frontage of the flag lot and front lot so created must be twice the minimum frontage within that zone §137-21.K(2)(a)[2]. Requesting waiver from 500' to approximately 179'. **Waiver requested.**

Mr. Astorino: John, does that pertain to the Planning Board?

Mr. Bollenbach: Yes. When you do the site visit, see if it makes sense.

Mr. Astorino: Ok.

Comment #14: The depth of the strip from the roadway to the front yard line shall not be less than 200-ft nor greater than 300-ft, §137-21.K(2)(a)[2]. Requesting waiver to approx. 550-ft. **Waiver requested.**

Mr. Astorino: You will need to show us at the site visit.

Dave Getz: Yes.

Comment #15: The flag lot driveway is required to be paved in its entirety (because it is a flag lot and because the grade is greater than 10%); Applicant may want to consider a shorter driveway to the proposed garage and/or a sidewalk or pathway from the garage to the house.

Dave Getz: Ok.

Mr. Astorino: We will also take a look at that at the site visit.

Angelo Sorrenti: It is that far. You cannot do shorter.

Dave Getz: Once you get to the house, you might be able to shorten the garage.

Mr. Astorino: You could do that. You are the one that will be paving it.

Dave Getz: Yes. He understands paving.

Mr. Astorino: Paving is not cheap.

Angelo Sorrenti: Ok.

Comment #16: Fire Code of NYS, Section 511.2.2 requires a turnaround suitable for use by fire apparatus if the driveway is longer than 500-ft. Applicant to clarify. Applicant to add a note to the plan. Any related grading to achieve this criterion shall be shown on the plan. Please show the truck turning radii (all four tires) on Sheet 4.

Dave Getz: Will do. You will see that at the site visit.

Comment #17: Fire Code of NYS, Section 511.2.3 requires driveways in excess of 500-ft to provide turnouts that are at least 20-ft width and 50-ft long. Planning Board to re-consider the location of the turnout as shown on the plan (i.e., typically the turnout is located mid-way up the driveway).

Dave Getz: We have more than 2/3 of it in the back. We will discuss that at the site visit.

Comment #18: There is a fence shown between the lots; a detail for this fence should be shown within the plans.

Dave Getz: Ok.

Comment #19: It is possible that the Federal wetland (Ab soil) is within 100-ft of the proposed septic system; Applicant to consider using the septic location closer to the home (shown on previous drawing and witnessed by HDR).

Dave Getz: Will do.

Comment #20: Applicant to clarify the location of the biodiversity overlay and the location of the proposed septic system.

Dave Getz: Yes.

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

Mr. Astorino: You received ZBA variance for that.

Comment #22: This subdivision proposes to disturb approximately 0.8 acres and thus requires a simple SWPPP. Erosion control measures must be shown on the plan. Report must be sealed by Professional Engineer.

Dave Getz: Will do.

Comment #23: Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.” (Sheet 1, Note 14).

Dave Getz: It is on the plan.

Comment #24: Please relocate proposed home roof drain further from the adjacent property (42-1-6.2).

Dave Getz: Yes.

Comment #25: Provide stormwater management for the proposed garage that is managed on this property.

Dave Getz: Yes. We will work that out.

Comment #26: The Applicant must add 911 addresses to the plan.

Dave Getz: Ok.

Comment #27: The plans must be signed by the surveyor.

Dave Getz: Yes.

Comment #28: The declaration information must be added for Ridgeline, Biodiversity, and Agricultural Notes.

Dave Getz: We will provide that.

Comment #29: Payment in lieu of parkland for one lot.

Dave Getz: Yes.

Comment #30: Surveyor to certify that iron rods have been set at all property corners.

Dave Getz: We will have to hold off on that for now. The width might change.

Comment #31: Payment of all fees.

Angelo Sorrenti: Yes.

Mr. Astorino: A site visit is scheduled for Monday, June 10, 2019 at 6:00 p.m. Does the Applicant wish to be set for a Final Public Hearing?

Dave Getz: Yes.

Ms. Little makes a motion to set the Sorrenti Subdivision application for a Final Public Hearing at the next available agenda.

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

Dave Getz: Thank you.

Other Considerations:

- 1) Planning Board to discuss scheduling a site visit for Snufftown Brewery/Dan Doyle Site Plan & Special Use located at 10 Fence Rd.

Mr. Astorino: We will hold off on scheduling the site visit for now.

- 2) Planning Board Minutes of 3/20/19 & 4/3/19 for PB Approval.

Ms. Little makes a motion to Approve the 3/20/19 & 4/3/19 Planning Board Minutes.

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

Ms. Little: I want to bring up a question. Knowing that so many neighbors for the Pioneer Farm public hearing did not receive their certified mailings, what can we do to rectify the situation? What happened tonight was unacceptable.

Connie Sardo: All of the certified mailing receipts are right here.

Ms. Little. We found Maureen Segota. They said that they attempted delivery at 11:52pm. That is 8 minutes before mid-night. What the heck is that? The Post Office has really been messing up a lot lately. That is not fair to our tax payers for not getting notified. What can we do to rectify that?

Mr. Bollenbach: It is required to be a certified mailing. That you have certified that you mailed it to the proper address. You don't need the return receipt.

Mr. MacDonald: Right.

Mr. Bollenbach: It gets put into their mailbox.

Ms. Little: They had said that they never received the notice.

Mr. Bollenbach: Because it was sent by certified mail return receipt.

Ms. Little: But they were saying that they did not get any of the early notification.

Mr. Bollenbach: All that I am saying is that it does not have to be signed. Just mail it.

Mr. Astorino: I know we have done that in the past. Let's do it both ways. We will have them send out the notices certified mail and regular mail.

Correspondences:

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

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

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

Ms. Little makes a motion to adjourn the June 5, 2019 Planning Board Meeting.

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